

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

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

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## I. INTRODUCTION

2022 saw at least a partial resumption of “normal” life in the Washington, DC legal services and pro bono communities, following two years radically altered by the impact of a lethal global pandemic that caused widespread human tragedy and financial hardship, compounding the day-to-day difficulties experienced by people already living in poverty.

Although the DC legal community rose to the occasion to meet the particularly challenging demands presented by the pandemic during 2020 and 2021, there can be little doubt that the need for pro bono legal services in our city is as great, if not greater, than it has ever been. Even before the pandemic, more than 16 percent<sup>1</sup> of DC residents were existing at or below the federal poverty level,<sup>2</sup> and over a quarter of the population – 171,000 – were living below 200 percent of the federal poverty level,<sup>3</sup> the measure used by many legal service providers to determine eligibility for their assistance. The economic dislocation caused by the circumstances of the last few years can only have multiplied the number of our fellow residents who are unable to afford to hire an attorney to assist them with pressing civil legal needs.

Despite consistent (and laudable) increases in funding for civil legal aid by the DC government in recent years, the District’s dedicated providers of legal services to low-income and indigent residents lack sufficient resources – financial and/or human – to meet the ever-growing demand. Pro bono work by private-sector and government attorneys thus remains critically necessary to partially bridge the gap. In recognition of the importance of pro bono work as a complement to the output of direct legal services providers, the Judicial Conference of the U.S. Court of Appeals for the District of Columbia Circuit, in 2010, adopted a resolution recommending that each attorney admitted to practice in the federal courts of the jurisdiction provide at least 50

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<sup>1</sup> U.S. Census Bureau, QuickFacts: Washington City, District of Columbia, <https://www.census.gov/quickfacts/fact/table/washingtoncitydistrictofcolumbia,DC/IPE120219>.

<sup>2</sup> U.S. Centers for Medicare & Medicaid Service, Federal Poverty Level (FPL), <https://www.healthcare.gov/glossary/federal-poverty-level-fpl/>.

<sup>3</sup> Kaiser Family Foundation. Population by Federal Poverty Level (Above and Below 200% FPL) (2020), <https://www.kff.org/other/state-indicator/population-up-to-200-fpl/?dataView=0&currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

hours of pro bono legal service each year, accept at least one court appointment to provide pro bono representation, and/or contribute to at least one percent of their earned annual income or \$750.00 to legal services organizations serving economically disadvantaged DC citizens.<sup>4</sup> (The Judicial Conference’s 2010 Pro Bono Resolution is attached at Appendix A.)

The DC Circuit Judicial Conference’s Standing Committee on Pro Bono Legal Services is dedicated to promoting and implementing the Conference’s resolution, and to working collaboratively with other like-minded organizations and individuals to increase pro bono work by attorneys practicing in the District of Columbia. The Committee is pleased to submit this Biennial Report, which summarizes the significant pro bono activities undertaken over the last two years by private law firms, federal government agencies, and the organized bar, while also describing some of the work of the Committee itself.

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

In February 2022, the Standing Committee sent its annual survey to the managing partners and pro bono managers of 129 law firms with 25 or more 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 their lawyers met that standard in 2021. In addition, the Committee sought information about the structure of firms’ pro bono programs and the manner in which firm lawyers are encouraged to meet the Judicial Conference pro bono standard so that the Committee might better understand the elements of successful law firm programs. (The 2022 survey is attached at Appendix B.) The Committee received responses from 70 firms, for a response rate of about 55%, in line with past response rates.

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<sup>4</sup> Judicial Conference of the District of Columbia Circuit, Resolution on Pro Bono Legal Services by Members of the Bar of the Federal Courts of the District of Columbia (June 9, 2010), <https://www.cadc.uscourts.gov/internet/home.nsf/Content/VL%20-%20RPP%20-%202010%20Resolution%20on%20Pro%20Bono%20Legal%20Services/%24FILE/Pro%20Bono%20Resolution%20-%202010.pdf>. The 2010 resolution reaffirmed a 1998 resolution regarding pro bono service and increased the recommended alternative financial contribution from \$400 to \$750.

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, the Standing Committee's annual survey asks 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 20 years on individual attorney pro bono hours in the District of Columbia. Many of the respondents to the 2022 survey (reporting 2021 results) also participated in the 2002 through 2021 surveys, providing a useful benchmark for observing trends in DC pro bono programs.

#### **A. Results of the Law Firms Survey**

The current survey results reflect only a segment of the several hundred law firms in the District of Columbia. All but three of the 70 firms that provided responses to the most recent survey had at least 25 lawyers in their District of Columbia office as of the date they responded to the survey; most (46 firms) had 70 attorneys or more, with 16 firms reporting that they employed 200 or more attorneys in their District of Columbia office.<sup>5</sup> Thus, as in prior years, the results reflect the state of pro bono programs at larger firms that, in general, have already expressed and manifested some formal commitment to pro bono.

All but 2 of the 70 firms responding adequately to the 2022 survey have a written policy covering pro bono legal work. Nearly 80% of the firms (55) include a specific pro bono hours goal for associates in their policy. Likewise, 52 of the firms also have a specific pro bono hours target for counsel, and 53 of them have a specific pro-bono-hours goal for partners. Of the firms with a written pro bono goal, 33 reported having goals that matched or exceeded the Judicial Conference standard of 50 annual pro bono hours. Non-responding firms would likely not have reported markedly stronger or more active pro bono programs than those existing at the responding law firms.

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<sup>5</sup> The Committee sent surveys to all firms listed on the National Association of Law Placement (NALP) directory and categorized as having 25 lawyers or more in the DC office. See NALP Directory of Legal Employers, <http://www.nalpdirectory.com>.

There are many ways to measure the strength and depth of a firm's pro bono program. The Standing Committee uses the Judicial Conference's endorsed standard of 50 annual hours of pro bono as a touchstone for its inquiry. The trend over the past 20 years demonstrates that pro bono work has increased and that pro bono programs are firmly entrenched in a significantly greater number of firms. When first surveyed in 2002, most firms reported that only 25 percent or fewer of their attorneys met the 50-hour goal.<sup>6</sup> Twenty-seven firms were on the low end of the scale, reporting that less than 20 percent of their lawyers met the 50-hour mark. Only 6 firms were on the upper end of the scale, with more than 35 percent of their lawyers performing at least 50 hours of pro bono. Using the same rough metrics, the 2004 survey saw an improvement in pro bono performance: 19 firms reported relatively low rates of pro bono service, but 15 law firms reported relatively high rates of pro bono service. Responses to the 2006 survey continued this trend, with 17 firms 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 decreased, and the number of higher performers increased – 10 low performers and 23 high performers. The 2010 survey nearly reversed the 2002 numbers, with 8 firms reporting pro bono service rates on the lower end of the scale (*i.e.*, less than 20% at 50 hours or more), while a record 34 law firms reported rates of higher than 35 percent. In 2012, 32 firms were at the high end of the scale, and 13 firms reported numbers at the lower end. In the survey covering 2013, a new record of 35 law firms out of 68 respondents were at the higher end of the scale, with more than 35 percent of their attorneys at or above the 50-hour mark, while just 9 firms reported that less than 20 percent of their attorneys hit that mark. Twenty-three of the 62 firms responding to the survey covering the calendar year 2014 reported that at least 40 percent of their lawyers had performed at least 50 hours of pro bono work. Four firms reported that at least 50 percent of their lawyers had performed 50 hours of pro bono work in 2014, and at least

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<sup>6</sup> 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). All of the Standing Committee's Reports can be found at <http://www.cadc.uscourts.gov/internet/home.nsf/Content/Pro+Bono>.

60 percent of the lawyers in 5 other firms devoted 50 hours or more to pro bono service. Four firms also reported that 40 percent of their partners devoted 50 or more hours to pro bono. By 2016, 33 of the 73 firms responding to the survey met the 40% at 50 hours standard—a new high-water mark. Eleven firms reported that at least 50% of their lawyers performed 50 hours or more of pro bono work; 3 firms met the “60 at 50” threshold, and 7 firms had 40% or more of their partners meet or surpass 50 pro bono hours. In 2017, 41 firms reported that more than 35 percent or more of their attorneys reached to 50-hour mark, while only 9 firms were at the lower end of the scale.

In the 2020 survey, the Standing Committee again asked firms to report the percentage of lawyers in their DC office who had performed at least 50 hours of pro bono during 2019. Sixty-one of the 64 responding firms provided this information. With a somewhat smaller respondent pool for 2020 than in most recent prior years, 31 firms met the 40% at 50 hours standard (as compared with 33 in 2018), 17 firms met the 50% at 50 hours standard (the same as in 2018), 3 firms met the 60% at 50 hours standard (slightly down from 5 firms in 2018), and 8 firms’ partners surpassed the 40% at 50 hours mark (9 in 2018). Meanwhile, only 10 firms reported a number of lawyers performing 50 hours or more of pro bono work that was less than 20% of their total populations. The demonstrated commitment of DC’s private firms to pro bono work reflected amazing resiliency in 2020, the first full year of the pandemic and also a year in which, according to accounts in the trade press, law firms experienced extremely high demands from paying clients. 69 firms submitted responses to the Committee’s 2021 survey focused upon performance in 2020. Of these, 33 firms met the 40% at 50 hours threshold; 19 firms met the 50% at 50 hours standard; 9 firms met the 60% at 50 hours mark; and a record-shattering 12 firms’ partners met the 40%-at 50 hours standard.

It is perhaps not surprising that 2020’s impressive levels of commitment proved unsustainable in 2021, given the practical obstacles firms confronted as the pandemic dragged on including, without limitation, persisting high demands from paying clients, logistical difficulties relating to the introduction and

implementation of hybrid work schedules, and market-driven upward associate compensation pressure with attendant expectations for increased billable hours output. Thus, of the 70 total respondents to the Committee's survey, the number of firms meeting the 40% at 50 hours standard decreased to 25; with 6 firms surpassing the 50% at 50 hours mark; 1 firm meeting the 60% at 50 hours mark; and 6 firms meeting the 40% at 50 hours threshold for partners only.<sup>7</sup> Although the Committee strongly suspects that 2021 will ultimately prove aberrational as respects the significant dip in DC law firm pro bono performance, this will bear close and careful attention as the process of collecting survey data for 2022 begins.

Although the Committee's annual surveys have identified a significantly positive trend in pro bono service over the past two decades (2021 excepted), this year's survey highlighted a continuing area of inaction among law firms. Only 12 of the 70 responding firms indicated that they expressly encourage their attorneys to donate at least \$750/year to legal services organizations to the extent that they cannot meet the 50 hours of pro bono work standard, and apparently none of the firms actively monitor their attorneys' compliance with the monetary-contribution alternative established by the Judicial Conference's 2010 resolution. This is a concern worthy of the Committee's focus and strategic thinking.

The Standing Committee's most recent survey also inquired about law firms' pro bono policies and practices. Here is a summary of what the survey revealed:<sup>8</sup>

*Written pro bono policies.* Sixty-eight of the 70 firms responding to this specific inquiry have written policies covering pro bono legal work, and most of these firms include a specific pro bono goal in terms of an "expected" number of pro bono hours for one or more categories of their attorneys. Many firms setting an hourly goal set it at or above 50 hours per year (33 firms), and most of those firms report that they apply their

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<sup>7</sup> While the decrease in the number of firms meeting the 40% at 50 hours threshold in 2021 was sharp and is undoubtedly concerning, it does bear noting that an additional 8 firms, in addition to the 25 meeting the mark, came in between 35% and 40%, including 2 firms at 39%. This additional data suggests that the dropoff in the volume of pro bono output among DC firms in 2021 was not as drastically precipitous as first impressions might lead one to conclude.

<sup>8</sup> 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.



policy regarding “expected” hours equally to partners, associates, and counsel. Three firms set a much higher bar, one prescribing 100 hours for all lawyers, and another seeking 100 hours from associates. Three firms, rather than setting a specific target, have instead established a policy that 3 percent of their attorneys’ total billable hours be devoted to pro bono; one other firm, in lieu of specific targets, has determined that 15 percent of its total annual attorney hours should be devoted to pro bono work.

*Associate, counsel, and partner pro bono hours credit.* Sixty-three of the 70 responding firms report crediting associate pro bono hours the same as hours spent on paying cases, subject to specific caps or limitations in some instances (*see below*). Fewer firms provide equal credit for pro bono and commercial hours for partners or counsel.

*Compensation and pro bono.* Of the 70 responding firms, 61 report that pro bono work is compensated through the firm’s bonus policy, though 20 of these firms place varying limits on the number of pro bono hours that can be taken into account in determining associate bonuses.

*Managing pro bono programs.* As further evidence of the increasing “professionalization” of law firm pro bono programs, 67 of the 70 responding firms report that they have a fulltime manager of their program; the 4 others have a part-time manager. Of those with a full-time pro bono manager, most firms use an attorney to manage their programs. 52 of the 67 full-time pro bono managers are partners or counsel in their firms.

## **B. Recognizing Top Law Firm Pro Bono Performers**

To recognize the law firms ranking highest in pro bono performance, each year since 2003, the Chief Judges of the Circuit and of the District Court have hosted the “40 at 50” Judicial Pro Bono Recognition Breakfast. The Chief Judges invite and recognize the managing partners of those firms in which at least 40 percent of the lawyers have met the 50-hour mark for pro bono performance in the prior calendar year. From 2003 through 2021, 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), 23 (2015), 33 (2016), 37 (2017), 33 (2018), 31 (2019), 33 (2020), and 25 (2021). These figures reflect a trend of

increasing participation over the years, although recent years had seen a plateau in the number of qualifying firms before the significant, hopefully short-lived, decrease in 2021. A list of the firms that qualified for honors at the 2022 event is included in Appendix C.

In addition, in 2010, the Committee began to give special recognition to the qualifying firms with at least 40 percent of their partners contributing 50 or more pro bono hours. In 2010, 5 such firms were recognized at the 40 at 50 breakfast; in 2011, 4 firms were recognized; in 2012, 1 firm was honored for hitting this mark; in 2013, 2 firms were honored; in 2014, a then- record 7 firms met this goal; in 2015, there were 4 firms; in 2016, 6 firms were honored; in 2017, 4 firms were recognized; in 2018, there was a new high of 9 firms; and in 2019, 8 firms again surpassed the “40 at 50” standard for partners. As referenced above, a new high-water mark was met in 2020, with 12 firms’ partners meeting the 40% at 50 hours mark before receding to 6 firms in 2021.

In 2011, the Committee also began recognizing those firms in which at least 50 percent of their lawyers met the 50-hour mark for pro bono service. Thirteen firms qualified for this honor in 2011; in 2012, 7 firms qualified; in 2013, 9 firms qualified; in 2014, 12 firms qualified; in 2015, 10 firms qualified; and in 2016, 14 firms hit this mark—a record soon to be broken, as 16 firms qualified in 2017. In 2018, a new high of 17 firms met the “50 at 50” standard, a mark repeated in 2019. 2020 saw a new record-high 19 firms reach the “50 at 50” threshold; in 2021, only 6 firms made this grade. Because of the dramatic increase in the number of firms qualifying for the “50 at 50” mark (at least prior to 2021), 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, 5 firms qualified in 2015 and 2016, and 4 firms hit this impressive mark in 2017. Five firms surpassed the “60 at 50” standard in 2018; 3 firms did so in 2019. 9 firms met or surpassed 60% at 50 hours in the landmark year of 2020; that number decreased to one firm in 2021.

Because of the significant increase in pro bono work among firms in the District of Columbia, what was initially and for the first few years a relatively intimate affair, the “40 at 50” breakfast recognition event hosted by the federal courthouse grew over time into a large and much-anticipated annual celebration of pro bono service. Attendees at the breakfasts advised Committee members and judges of the courts that the attention given to the 50-hour standard by the “40 at 50” breakfast significantly contributed to the increase in the number of law firms aiming to reach this mark, and that many firms aspire to join the ranks of those few firms surpassing the “40 at 50” standard and achieving “50 at 50” and “60 at 50” honors. Regrettably, due to the COVID-19 crisis, the 2020 “40 at 50” celebration had to be cancelled. It returned, in virtual format, in 2021, with recognition given to the firms garnering recognition in both 2019 and 2020 and featuring live-streamed or pre-recorded remarks provided by Chief Judges Sri Srinivasan and Beryl Howell, Committee Liaison Christopher Cooper of the District Court, and Committee Chair Eric Angel. A similar virtual event was conducted in June 2022 to honor the firms meeting or exceeding the Committee’s standards during 2021. The Committee, and the Court, look forward with high hopes to a return of in-person programming of the “40 at 50” event in the Spring of 2023.

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

Several trends in the survey data merit mention. Since 2001, there has been a steady increase in the number of law firm attorneys performing pro bono service at the level contemplated by the Judicial Conference’s standard of 50 hours annually. While the Standing Committee’s efforts to inform law firms of the Conference’s standard may have contributed to the 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. The A-List, initiated in September 2003, places significant weight on pro bono work and has encouraged aspiring law firms to reenergize and expand their pro bono programs. Another factor likely contributing to the increase is the D.C. Bar’s Pro Bono Initiative, which, in 2001, saw 41 of the District’s largest law firms commit to providing pro bono legal services at specified levels (either 3 percent or 5 percent

of total billable hours, or 60 or 100 hours for every lawyer in the firm), and to report their progress annually to the D.C. Bar Pro Bono Program (now known as the Pro Bono Center). As of 2020, a total of 69 firms signed on to the D.C. Bar Pro Bono Initiative, now known as the Pro Bono Partnership (“PART”). And the Pro Bono Institute’s national activities, including its Law Firm Pro Bono Challenge®, also undoubtedly had a positive impact on the increasing magnitude of pro bono activities of law firms in the District of Columbia. Another significant 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, described more fully in Section IV.B below.

Responses to the Committee’s annual survey suggest that certain organizational and management factors within the reporting firms likely have a role in increasing pro bono performance. The firms responding to the 2022 survey which have been consistently high performers in having their lawyers meet the Judicial Conference 50-hour standard year after year tend to have internal policies that promote pro bono work. Most have written policies that: (i) express an “expected” number of pro bono hours at or exceeding 50 hours to be contributed annually by one or more categories of their attorneys; (ii) credit all pro bono hours toward minimum billable hours requirements for associates, if not for all attorneys; (iii) treat pro bono hours the same as hours billed for work on behalf of paying clients for compensation purposes; and (iv) employ attorneys as fulltime pro bono managers who coordinate, oversee and support their pro bono matters.

Firm policies are not always determinative of performance, however, as some firms that appear to have strong policies showed relatively low rates of pro bono performance, while several firms that lack core pro bono policies—such as written goals, billable hour credit for pro bono, or dispensing with creditable pro bono caps—nonetheless report significant numbers of lawyers performing a substantial amount of pro bono work.

#### **D. Identifying and Promoting Best Practices**

To further identify best practices in law firm pro bono programs, District Judge Amy Berman Jackson, former judicial liaison to the Committee, convened breakfast meetings of the managing partners of law firms

that the Committee's surveys have shown to have high pro bono participation among their lawyers in 2018 and 2019. These meetings revealed that the participating firms promote pro bono work by using a variety of methods that are tied to firm culture. Although each firm is different, common practices include internal recognition programs for individual lawyers with high pro bono hours or outstanding performance on a pro bono matter; friendly competitions for highest pro bono hours among practice groups and between offices; a wide variety of pro bono opportunities for their lawyers, including opportunities for transactional lawyers; and strong, visible, and persistent leadership by firm management and partners. Although the opportunity to continue such convenings by the current liaison, Judge Cooper, has been frustrated by the pandemic, the Committee looks forward to the resumption of such learning sessions in the future – perhaps in 2023.

#### **E. Special Focus Projects**

In recognition of the unusual times in which everyone was living and working when the survey seeking performance information for 2020 was to be circulated in late January 2021, the Committee voted to include two additional questions to the instrument, in order to solicit responses from the participating firms regarding any special efforts they might have made to address either: (i) legal needs specifically attributable to the Covid-19 pandemic; or (ii) legal initiatives prompted by any new or renewed focus on racial justice. *See* Appendix B, Nos. 24 and 25 at 8-9. Firms responding in the affirmative to either question were invited to describe the targeted activities in which they engaged. These questions were also included in the 2022 survey, and the responses are both notable and illuminating.

Of the 70 responding firms, a total of 67 firms indicated that they became involved in pro bono work specifically intended to respond to legal needs arising out of the pandemic. While many of those respondents chose not to elaborate on the substance of that work, those that did describe their pandemic-related activities address an array of involvements reflecting great creativity and sensitivity in responding to the unique challenges created by the public health crisis including, among many other examples:

- Advising small businesses and non-profits with respect to the process of seeking and obtaining PPP loans under the CARES Act.
- Increasing assistance to homebound domestic violence victims in seeking protection orders through remote court proceedings.
- Serving as class co-counsel with a law school clinic in representing civil immigrant detainees in obtaining conditional release from a detention facility providing minimal measures to guard against the spread of infection.
- Updating on-line reference materials providing guidance as to the interpretation and application of FEMA disaster relief rules and regulations relating to the federal government's COVID response.
- Redoubling efforts to represent aging, infirm or otherwise medically-vulnerable prisoners in parole hearings or compassionate release applications to escape potentially-fatal infections in carceral settings.
- Providing legal advice and support to a team of robotics engineers seeking to develop and deploy low-cost ventilators.
- Preparing life-planning documents for frontline healthcare workers at risk of exposure and estate-planning documents for low-income families that suffered unexpected loss of loved ones.

Similarly, a total of 65 firms, out of the 70 total respondents, indicated that they responded to the period of racial reckoning in the Country following the murders of George Floyd, Ahmaud Arbery, Breonna Taylor and other similar tragedies by purposefully seeking out and acting upon pro bono opportunities in furtherance of a greater degree of racial justice. Among some of the more notable and remarkable of the projects described are the following:

- Representing a historically-Black church and a supporting community organization in litigation to prevent a suburban developer from purchasing and building upon land where the Church's racially-segregated cemetery was located.
- Forming a Racial Justice Reform Initiative as a new part of its Pro Bono Program and connecting with Black-owned financial institutions in NYC and DC to open accounts with those banks as repositories for a portion of the firm's assets.

- Creating a new Project Equity within its Pro Bono Program and pledging to devote a total of 50,000 pro bono hours to Project Equity initiatives through the end of 2023.
- Creating and funding racial justice fellowships pursuant to which senior firm attorneys were placed with 6 different legal service providers throughout the U.S., and renewing continuation of this commitment through 2024.
- Creating a Black-Owned Startup Support (BOSS) Lab to provide corporate advice on a pro bono basis to start-up and fledgling business enterprises.

The highlighted examples are illustrative of the attentiveness, agility and thoughtfulness with which established large-firm pro bono programs and lawyers can turn their attention to and respond in positive and impactful fashion to the perceived needs of the moment, whether those needs be wholly new and unexpected in nature or familiar problems in need of renewed focus and energy.

### **III. PRO BONO WORK IN FEDERAL GOVERNMENT AGENCIES**

#### **A. Overview**

The Federal Government Pro Bono Program (“the Program”) continues to thrive and to involve more agencies and attorneys in the provision of legal assistance to low-income and indigent Americans. During the reporting period, it experienced unique and exciting changes, which will lead to new advancements in the coming years. Responding to increased resources for pro bono engagement provided by the Biden Administration and to the changes brought about by the pandemic, federal agencies have employed new tools to encourage pro bono work and to facilitate their attorneys’ involvement across the country. In DC, federal government attorneys continue to be an important resource for the legal services community.

As early as the 1970’s, efforts were made to encourage federal government attorneys to engage in pro bono work. Perceived conflicts of interest and other obstacles were slowly removed or refined by each Administration to facilitate attorneys’ involvement in this professional duty. In 1996, this process culminated in the issuance of Executive Order 12988, which directed federal agencies to develop policies which would encourage their employees to perform volunteer work, focusing on pro bono legal work by federal government

attorneys specifically. The Order designated the Department of Justice to coordinate the government-wide effort. Over the next twenty-six years, the Program has grown to include a wide network of volunteers around DC and branches in six additional cities: Chicago, New York City, Denver, Dallas, San Francisco and Los Angeles. Branches are currently in development in Boston, Detroit, and Atlanta.

In January 2022, the Federal Government Pro Bono Program was moved to the Department of Justice's newly re-established Office for Access to Justice ("ATJ"), which prioritizes broadly increasing access to legal assistance as one of its key goals. When the position became part of ATJ, the DOJ Pro Bono Program Manager, who is also the Chair of the Federal Government Pro Bono Program, became a full-time position for the first time. This official expansion of the position and its placement in an office with a mission that encompasses pro bono work will enable the Program to grow beyond its previous limitations. For example, the Pro Bono Program Manager was able to attend and present at the 2022 Equal Justice Conference, introducing the Program to legal services organizations and access-to-justice collaborators around the country. Additionally, the Office for Access to Justice will be hiring a second full-time attorney to manage the Program by assisting and supporting the Program Manager, doubling the Program's capacity to recruit and support volunteers, launch new branches, and tackle policy challenges. These changes reflect the Biden Administration's dedication to making justice real for all Americans and represent an increased institutionalization of the federal government's approach to pro bono engagement.

The Standing Committee has made support of the federal agencies' efforts a priority. The biennial survey reminds agencies that the federal judiciary cares about their pro bono efforts and that reminder has a reliable impact. More agencies submitted survey responses this year than in any previous year, demonstrating that agencies respond to judicial interest and that more agencies have institutionalized pro bono management enabling them to respond. While gathering the important data discussed below, the Committee's survey also serves as a key tool to inspire agencies to do more. Survey responses from a number of agencies include



aspirational goals to expand their programs by updating their pro bono policies and developing pro bono committees.

In addition to conducting the biennial survey to track agency progress, the Standing Committee organizes a Federal Government Pro Bono Recognition Reception at the federal courthouse every other year. Hosted by the Chief Judges of the DC Circuit and the U.S. District Court, the event brings together members of the federal judiciary, agency leadership, and representatives of the Interagency Pro Bono Working Group to encourage agency leaders to promote and support pro bono service among their attorneys and recognizes the government attorneys who are contributing their time and skills to help those in need.

The most recent reception, in 2021, featured remarks by Chief Judge Sri Srinivasan, Chief Judge Beryl Howell, and Judge Christopher Cooper. Attorney General Merrick Garland, who had hosted the event many times as Chief Judge of the DC Circuit, provided remarks as well. A highlight 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 of the Program, created this 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. In 2021, the award was presented to the Department of Veterans Affairs (“the VA”) by Chief Judge Srinivasan. In his remarks, he noted that the VA had earned the honor for several reasons. First, the VA has a unique and well-developed pro bono program which blends the goals of encouraging pro bono work with its agency’s mission. As an active member of the Program, the VA has staffed the DC Bar Pro Bono Center’s Advice & Referral Clinic and consistently recruited attorneys to take cases through the Advocacy & Justice Clinic. It held informational sessions to promote pro bono and its pro bono coordinators were panelists on Best Practices presentations for other agency pro bono coordinators.

In addition, the VA has combined the overall need for pro bono volunteers with its agency mission, providing support to veterans. The agency has partnered with the Veterans Pro Bono Consortium in DC to recruit federal government attorneys to staff that organization's brief advice clinic. This invaluable service has created a whole new organized opportunity for federal government attorneys. Beginning in 2017, the VA initiated the Veterans Pro Bono Legal Week, organizing VA employees to engage in pro bono work at VA facilities around Veterans Day. In 2021, the VA hosted a special event for Government Pro Bono Week: A Veterans' Cultural Competency Training, which provided guidance to government pro bono volunteers who work with veterans.<sup>9</sup> These are just a few snapshots of the wider effort to promote pro bono through support of veterans.

With its unique access to a population of Americans in consistent and serious need of legal assistance, the VA was invited to provide Congress with recommendations for engaging federal government attorneys in pro bono work as well. In consultation with the Department of Justice and the Office of Government Ethics, the VA submitted innovative recommendations in its report. This was an unusual and exciting opportunity which the VA embraced and its leadership was appreciated.

In addition to its programmatic efforts, the VA has made structural improvements to its program which have made it stronger institutionally. It created a Pro Bono Committee, a Sharepoint site dedicated to its pro bono program, and an email address and mailbox for the program. It also revised its pro bono policy to make administrative leave more accessible to volunteers. These organizational assets and others contribute to the VA's success in recruiting volunteers, and reflect the agency's long-term dedication to the program's success.

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<sup>9</sup> Although it occurred after the presentation of the Cruden Award, it is worth noting that the VA co-hosted another event with the Department of Justice in November 2022. "Veterans Day 2022: Legal Needs of Veterans and How Federal Government Attorneys and Legal Staff Can Help" featured the ATJ Director, the VA General Counsel, the Assistant Attorney General of the DOJ Civil Rights Division, and a panel of representatives from medical-legal partnerships at VA facilities, who spoke about pro bono opportunities for federal government volunteers.

Leadership at the VA has been particularly supportive. The General Counsel and various Deputy General Counsels have volunteered at the brief advice clinic on a regular basis and have spoken about the importance of pro bono work at officewide meetings. One of the VA Chief Counsels serves on the Pro Bono Committee. VA leadership has made clear that pro bono is not only permissible, but a priority, that it is encouraged, and that they are leading by example.

The VA provides an ideal example for how agencies can promote and support pro bono work among their attorneys. Its selection for the 2022 Cruden Award was well deserved.

Over the last two years, federal government pro bono efforts in the District of Columbia have progressed well. New agencies have joined the Interagency Pro Bono Working Group and the DOJ Pro Bono Program Manager, who serves concurrently as Chair of the Program, continues to participate in numerous community collaborations, including the DC Bar Association's Pro Bono Committee and as an ex-officio member of this Judicial Conference's Standing Committee on Pro Bono Legal Services. Recognizing the Biden Administration's commitment to pro bono work and access to justice issues, the DC Bar Pro Bono Center featured a conversation between the Associate Attorney General, Vanita Gupta, and the Pro Bono Program Manager, Laura Klein, during its 2021 Partnership Luncheon.

Through the Program, agencies continue to offer a wide range of pro bono opportunities in DC. For example, the Program started a new collaboration with Legal Counsel for the Elderly in 2022, organizing a DC Schedule H Tax Credit Clinic in July and holding a pro bono wills training in October. Fifteen clients received assistance at the tax credit clinic and fifty attorneys attended the wills training, many of them already accepting clients while others are on a wait list to do so. Federal government attorneys also continued to staff the DC Bar Pro Bono Center's virtual Advice & Referral Clinic, providing at least ten volunteers each month that the clinic operated in 2021 and 2022.

Federal government attorneys accept more cases referred by the DC Bar Pro Bono Center's Advocacy & Justice Clinic than any single law firm, averaging approximately 60 cases over six clinic sessions each year. Most of these cases involve housing matters in DC Superior Court, including eviction defense, affirmative housing conditions cases, and eviction record-sealing cases. Other cases involve custody disputes and consumer matters. They also take cases from many other legal services organizations, including the Legal Aid Society, Tzedek DC, the Children's Law Center, the DC Volunteer Lawyers Project, and the Neighborhood Legal Services Program of DC, among others.

The Departments of Justice and Labor have also organized groups of attorneys and paralegals to staff the Washington Legal Clinic for the Homeless each month and each hosted the Street Law Pipeline Diversity Program in 2021 and 2022, teaching groups of students at Wakefield High School in Arlington, Virginia, and Rockville High School in Rockville, Maryland, about legal issues and strategies. All of these programs were virtual opportunities in 2021, but Street Law returned to in-person classroom visits in 2022, including bringing the students to the agencies for day-long field trips on the last day of the programs. The Assistant Attorney General for the Criminal Division and the ATJ Director each addressed the students during their field trip to DOJ, encouraging them to consider legal careers and public service.

In August 2021, Attorney General Garland issued a Call to Action, asking attorneys across the country to engage in pro bono assistance to Americans facing housing instability when the pandemic moratoria on evictions expired. He specifically noted that federal government attorneys should participate and the Department of Justice responded to that request by launching the Call to Action Competition. The Competition challenged components within the DOJ to try to place the most pro bono housing cases or to have the highest percentage of attorneys and legal staff providing pro bono housing assistance between September 30, 2021 and September 30, 2022. DOJ attorneys handled 69 housing cases and provided assistance at numerous clinics

during that time, primarily in DC. The winning components were honored at a reception with Associate Attorney General Gupta, in November 2022.<sup>10</sup>

## **B. Survey Response Summary**

In 2022, the Standing Committee surveyed federal agencies about their participation in and support for pro bono work. The Committee received responses from 87 percent of the agencies surveyed, with 53 agencies responding (61 agencies received the survey this year). This total number of responding agencies is higher than any previous year (for example, 33 agencies in 2012, 30 agencies in 2014, 36 agencies in 2016, 41 agencies in 2018, and 44 agencies in 2020). (A complete list of responding agencies for 2022 is attached at Appendix D.)

In a demonstration of the institutionalization of agency pro bono programs, *all* of the responding agencies reported that they have pro bono coordinators, are active members of the Interagency Pro Bono Working Group chaired by the Department of Justice, and are aware of DC Court of Appeals Rule 49, the rule which allows out-of-state attorneys who are not DC Bar members to provide pro bono legal services in DC. Furthermore, all responding agencies reported that they electronically share information about pro bono opportunities with their attorneys. These basic tools for encouraging pro bono activity show a solid foundation which has been developed over many years.

Seventy-nine percent of responding agencies have written pro bono policies (48 agencies). This number is encouraging because, although the percentage of reporting agencies is lower, it shows an increase in the total number of agencies which have policies from 2020, when 40 agencies reported having written pro bono policies, and 2018, when 38 agencies reported having written policies. Only 18 percent of those policies make a specific numerical recommendation about pro bono hours to their attorneys (11 agencies), which indicates

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<sup>10</sup> The Civil Division and the Environment and Natural Resources Division tied for placing the most cases, each placing 12 pro bono housing cases. The Antitrust Division had the highest percentage of attorneys and legal staff volunteering to provide pro bono housing assistance, both by taking cases and providing advice at legal clinics. Assistant Attorneys General from these components actively encouraged their attorneys and staff to get involved.

that agencies creating new policies are not including that feature (25 percent, 11 agencies, in 2020). Agencies therefore are not placing importance on that issue in the policies being developed or revised.

Since 2020, the number of agencies that allow for administrative leave for pro bono activity has remained generally consistent. Administrative leave, or excused absence, allows employees to be out of the office without using vacation or sick leave. Thirty-three agencies or components of those agencies report allowing for administrative leave for pro bono work, plus one agency which allows for credit hours for pro bono work (54% of those agencies responding to the survey). Again, while this represents a lower percentage of agencies, the actual number of agencies with such policies has increased (31 agencies provided for administrative leave in 2020).

Agency activity to promote pro bono work on a regular basis continues to increase. Forty-six agencies reported that they have information about pro bono available on a website (75 percent) compared with 35 agencies in 2020. As noted earlier, 100 percent stated that they disseminate information about pro bono opportunities electronically (53 agencies), which is an increase in both the percentage and the actual number of agencies doing so (44 agencies in 2020). Very few reporting agencies hold a recognition event for pro bono volunteers, which is a tool that the Program can promote more directly in the future.

Due to the pandemic, agencies did not organize many pro bono opportunities outside of what the Program offered during the last two years. Historically, the most popular activity which agencies promoted was the DC Bar Pro Bono Center's Advice & Referral Clinic and, in 2020, 35 agencies were scheduled to participate. Because the Advice & Referral Clinic transitioned to remote services in 2021, it could accommodate far fewer volunteers. Each month that it was open, the Program recruited at least 10 attorneys from a variety of agencies to volunteer. In 2022, the clinic shut down mid-year. It is hoped that it will re-open in early 2023 and federal agencies are eager to organize volunteers to attend again.

To support agencies' efforts, the Program has increased its virtual programming in DC and around the country. In addition to the DC client-placement programs listed earlier in this report, the Program also organized volunteers for three foster care adoption case programs and a domestic violence clinic in Los Angeles, a housing clinic in Atlanta, a wills program and housing case placements in New York City, a housing clinic in San Francisco, and a disability rights hotline program in Chicago, among other opportunities. The Program also hosted presentations to spotlight legal services organizations, including the DC Volunteer Lawyers Project in DC, Volunteer Lawyers for Justice in New Jersey, the Dallas Volunteer Attorneys Program, and many others. In addition to these Program-wide opportunities, federal agencies hosted internal information sessions about pro bono engagement and channeled their volunteers into remote opportunities publicized by the Program. Examples of these efforts are noted in the following section.

As noted above, federal agencies have continued expanding their pro bono programs beyond the District of Columbia. The Federal Government Pro Bono Program has developed branches of the Program in other cities for many years and agencies share opportunities in those cities with their attorneys who are located there. Some agencies have gone beyond that, however, and have independently set up internal regional committees and networks to promote pro bono work nationwide. Thirteen agencies reported having committees and programming in regional offices. While this number might seem low, many agencies do not have regional legal offices and that number represents a higher percentage of involvement than it would initially appear. Additionally, an unintended benefit of the change to remote programming during the pandemic has been the ability to offer programming nationwide, drawing in attorneys from around the country who had never before had access to these events or information about pro bono opportunities because the Program did not have a branch in their area. This strategy has become an integral part of the Program and is expected to continue. All events during Government Pro Bono Week 2021 and 2022 were virtual.

### **C. Examples of Agency Pro Bono Work in 2021 and 2022**

Here is a snapshot of notable agency efforts during this reporting period.

- **Agencies held information sessions to boost pro bono.** Agencies that held pro bono information sessions or trainings during the past two years include: the Board of Veterans Appeals, the Commodity Futures Trading Commission, the Central Intelligence Agency, Consumer Financial Protection Bureau, the Corporation for National and Community Service/Americorps, the Department of Energy, the Department of Justice (multiple components), the Department of Labor, the Department of Health and Human Services, the Department of Homeland Security, the Department of State, the Department of Veterans Affairs Office of the General Counsel, the Department of Veterans Affairs Office of the Inspector General, the Environmental Protection Agency, the Federal Maritime Commission, the Federal Trade Commission, the General Services Administration, the Internal Revenue Service, the Merit Systems Protection Board, the National Labor Relations Board, the Office of Special Counsel, the Small Business Administration, the Tennessee Valley Authority, the U.S. Immigration and Customs Enforcement, the U.S. Navy, the U.S. Patent and Trademark Office, and the U.S. Postal Service.
- **Each year, the Federal Government Pro Bono Program hosts Government Pro Bono Week in October.** Since 2020, all Government Pro Bono Week events have been virtual. This change has allowed the Program to share more opportunities and events with federal government attorneys nationwide, but some events are still focused on DC. In 2021, events included a Keynote Address from Emily Benfer, Senior Policy Advisor of the White House American Rescue Plan Implementation Team, who discussed the housing crisis and need for pro bono assistance, hosted by the Consumer Financial Protection Bureau; a Veterans Cultural Competency training to prepare volunteers to assist pro bono clients who are veterans, featuring Dr. Emily Edwards and hosted by the VA; the DC Bar Pro Bono Center's Partnership Luncheon featuring a conversation between Associate Attorney General Gupta and DOJ Pro Bono Program Manager Laura Klein; a training for



Legal Aid Chicago's Eviction Brief Advice Desk; Pro Bono Cases 101, a presentation by Laura Klein; and the Federal Government Pro Bono Recognition Reception hosted by the DC Circuit Judicial Conference Standing Committee on Pro Bono Legal Services, which featured remarks from Attorney General Garland. In 2022, events included a national Kick Off with remarks from Attorney General Garland, Office of ATJ Director Rachel Rossi, and a presentation by Laura Klein; a pro bono wills training with Legal Counsel for the Elderly; A View from the Bench presentation featuring judges from DC Superior Court sharing their insights about handling cases and appearing in their courtrooms; a language access training featuring DOJ's new Language Access Coordinator; and a Client Interview Simulation training with Legal Aid Chicago.

- **Notable efforts by individual agencies in 2021 and 2022:**

- The Department of Justice continues to Chair the Federal Government Pro Bono Program and, as noted earlier, elevated the Program in 2022 by moving it to the Office for Access to Justice. Within DOJ, the DOJ Pro Bono Committee includes representatives from all components and meets quarterly. DOJ maintains a pro bono page on its intranet and individual components also have their own intranet pro bono pages. In 2022, the Pro Bono Committee created a New Hire Pro Bono Package to be shared with attorneys and legal staff when they join the Department. The Pro Bono Program Manager presented to numerous components in 2021 and 2022, with Assistant Attorneys General giving opening remarks to show their support. In addition to publicizing opportunities facilitated by the Pro Bono Program Manager, individual components organized their own opportunities, such as the Antitrust Division's and Civil Rights Division's commitments to staff (separately) the Washington Legal Clinic for the Homeless on a monthly basis. Also, as noted earlier, the DOJ Pro Bono Program created the Call to Action Competition

to implement Attorney General Garland’s initiative to encourage more DOJ attorneys to provide pro bono housing assistance.

- The Department of Labor continues to set an example for all agencies with its robust pro bono program. During this reporting period, it held recognition events and honored its pro bono committee members with a “Special Act Award” for their work. The agency issued a quarterly pro bono newsletter (the Pro Bono Times) in which the Solicitor of Labor was interviewed about her own pro bono efforts with respect to one issue. It organized programs with Street Law, the Capital Area Immigrants’ Rights (CAIR) Coalition, and DCVLP, for which 6 of its volunteers were recognized by DCVLP as “Volunteers of the Year.” DOL staffed the DC Bar Pro Bono Center’s remote Advice & Referral Clinic in April 2022. It also led the Dallas branch of the Federal Government Pro Bono Program, including organizing two events. Its Nashville office hosted a presentation by the DOJ Pro Bono Program Manager. The agency also expanded its pro bono committee to include more members from each of its Divisions. These are just a few of the laudable efforts DOL has made over the last two years.
- The National Labor Relations Board revamped its approval process to make it easier for attorneys to get involved, including creating general approval for a number of opportunities in its field office locations. It also created a Microsoft Teams page to allow pro bono volunteers to collaborate. The Fort Worth office organized a training about eviction cases with the DOL Dallas office.
- The Tennessee Valley Authority recently appointed a representative to the Interagency Pro Bono Working Group, created a pro bono committee and newsletter, and partnered with a number of Tennessee legal services organizations. One of its DC-based attorneys has already accepted two

cases since TVA joined the Program. They have had two presentations with the DOJ Pro Bono Program Manager as well.

- The Small Business Administration increased the number of permissible administrative leave hours to 30 hours per year, changing the policy to include pro bono trainings to be eligible for administrative leave. It also created a pro bono award, the Superstar Pro Bono Volunteer Award, to recognize an outstanding attorney volunteer.
- The Environmental Protection Agency held a panel presentation during its agency-wide legal conference in July 2021, featuring its pro bono coordinator, the DOJ Pro Bono Program Manager, and three EPA pro bono volunteers. The agency pro bono coordinator also presented information about pro bono at an Office of General Counsel program in May 2022. The agency is currently revising its pro bono policy.
- The Office of the U.S. Trade Representative created a pro bono program, appointed a pro bono coordinator, finalized a pro bono policy which includes administrative leave, and held an information session during a staff meeting to kick off its new program. Two attorneys have already taken pro bono cases.
- The Internal Revenue Service held a presentation for its Los Angeles office in 2021, continues its monthly newsletter to promote pro bono work, and continues to organize attorneys to volunteer with the Volunteer Income Tax Assistance program each year.
- The following agencies have incorporated a pro bono presentation or pro bono materials into their new attorney orientations: The Central Intelligence Agency, the Department of Justice, the Department of Labor, the Navy, and the Department of State.
- The following agencies held internal events during Government Pro Bono Week 2022 in addition to featuring the Program's events: The Department of Justice, the Department of

Health and Human Services, the Federal Deposit Insurance Corporation, the National Labor Relations Board, and the Office of the Comptroller of the Currency.

**D. Summary**

Under the leadership of the Department of Justice, the federal government continues to develop and support pro bono legal work by its attorneys. With the exciting elevation of the Federal Government Pro Bono Program to the DOJ Office for Access to Justice, new resources and opportunities will help the Program expand in the future. We can expect to see the number of federal government attorneys performing pro bono legal services in the District of Columbia and around the country 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. This section highlights a few of the significant developments of the past two years.

**A. DC Access to Justice Commission**

The District of Columbia Access to Justice Commission ("the Commission")<sup>11</sup> was created by the DC Court of Appeals in 2005 to help improve the ability of low- and moderate-income residents to access the civil justice system. The Commission's creation order articulates four major goals, each relevant to the delivery of pro bono services in DC: to (i) increase resources for civil legal services, (ii) reduce barriers that prevent equal access to justice for DC residents, (iii) advocate for increased pro bono work by local attorneys, and (iv) improve the planning and coordination of legal services delivery for DC residents with lower incomes.

The Commission is chaired by noted poverty-law advocate Professor Peter Edelman of the Georgetown University Law Center, the Vice-Chair is Legal Services Corporation President Emeritus and former Chair of

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<sup>11</sup> To learn more about the Commission, visit [www.dcccesstojustice.org](http://www.dcccesstojustice.org).

the Standing Committee, James Sandman, and it also includes over 20 leaders from the judiciary legal services, academia, the private bar, and other community leaders.

The Commission has achieved a wide range of successes in each of these areas. Regarding funding, the Commission has successfully sought, maintained, and ultimately increased local public funding for civil legal service.<sup>12</sup> Local public funding of the Access to Justice Initiative has increased from \$3.2 million in fiscal year 2007 to more than \$31.6 million in fiscal year 2023, including \$16.7 million to support the Access to Justice Grants Program (funding a broad range of civil justice projects and the Community Legal Interpreter Bank), \$3 million to support eviction diversion, \$11 million to support the Civil Legal Counsel Projects Program (funding services in eviction-related proceedings), and \$350,000 in recurring funding to support the DC Poverty Lawyer Loan Repayment Assistance Program (or DC LRAP), plus another \$600,000 to support a one-time investment in repaying loan principal or interest of those applicants whose loans would not otherwise be eligible for Public Service Loan Forgiveness.

Notwithstanding this critically important public funding, the legal needs of the DC client community still far exceed available resources, with a startlingly high percentage of unrepresented litigants, ranging from 75-97%, in some of DC Superior Court's most high-volume courts.<sup>13</sup> To meet the urgent need for increased funding for legal services, the Commission has also administered the *Raising the Bar in D.C. Campaign* since 2010.<sup>14</sup> The Campaign's goal is to substantially increase financial support for 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' DC offices, thus making participation accessible to firms of any size. When the campaign was launched in 2010, 23 firms joined. In its most recently-reported 2021 campaign, the Commission

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<sup>12</sup> To learn more about the Access to Justice Initiative, visit [www.dcaccessjustice.org/access-public-funding/](http://www.dcaccessjustice.org/access-public-funding/).

<sup>13</sup> DC Access to Justice Comm'n, *Rates of Representation and Self-Help Needs in D.C. Courts and the D.C. Office of Admin. Hearings* (Dec. 2019), available at [https://www.dcaccessjustice.org/reports\\_extra.html](https://www.dcaccessjustice.org/reports_extra.html).

<sup>14</sup> More information about the Raising the Bar in DC Campaign can be found at [www.dcaccessjustice.org/raising-the-bar/](http://www.dcaccessjustice.org/raising-the-bar/).

recognized a record amount of giving, with 34 firms contributing over \$7.2 million to local legal services organizations, an aggregate increase of more than \$4.38 million by all participating firms since first joining the Campaign.

The Commission has also made significant progress on its substantive access-to-justice goals. For example, the Commission has worked with the local courts and tribunals on a wide range of improvements, with a particular emphasis on high-volume courts. Through these efforts, there has been an expansion of the use of limited scope representation, a new housing conditions calendar at the DC Superior Court, and improvements in the Superior Court's housing, debt collection, and foreclosure calendars. During the pandemic, the Commission convened regular discussions between the local courts and external stakeholders to provide feedback on modified court procedures, litigant access, and process simplification, sharing best practices and draft materials for court reference and use. A similar process occurred between external stakeholders and DC Office of Administrative Hearings representatives. In February 2022, the Commission released a report calling for reform in the area of probate estate administration, entitled *Strengthening Estate Administration in the District of Columbia*, and is currently moving forward its legislative and other substantive recommendations.<sup>15</sup>

In December 2019, the Commission released *Delivering Justice*, a comprehensive report reviewing access to justice developments over the past decade.<sup>16</sup> Building on this report, the Commission launched a DC “Justice for All” effort, modeled off a National Center for State Courts-sponsored initiative that arose out of resolutions from the Conference of Chief Justices (CCJ)/Conference of State Court Administrators (COSCA). Through analysis and planning in 2020 and 2021, the Commission developed a set of priority activities and projects in the areas of Self-Help, Navigation, Coordinated Intake, Community Integration, Policy, and User

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<sup>15</sup> *Strengthening Estate Administration in the District of Columbia* can be found at <https://www.dcccesstojustice.org/reports>.

<sup>16</sup> DC Access to Justice Comm'n, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia* (Dec. 2019), available at <https://www.dcccesstojustice.org/reports>.

Engagement for improving the ecosystem within which civil legal needs arise and are addressed, including project support and solutions that leverage DC's pro bono community.<sup>17</sup>

In response to the immediate crises associated with the public health emergency (and associated financial crisis) that began by March 2020, the Commission, in concert with local civil justice leaders, created a COVID-19 Civil Justice Task to promote coordination, communication, and centralization among District stakeholders, including the courts, private bar, legal services providers, pro bono community, law schools, philanthropy, and other community organizations. The Task Force has three primary committees. The first tracked and identified emerging legal needs arising out of COVID-19 and in turn, mobilized pro bono, law school and other resources to meet those needs. That committee launched and sponsored the *DC Represents* campaign<sup>18</sup> intended to expand pro bono resources on behalf of District residents coping with COVID-19 and its consequences. To support the campaign, the committee worked with stakeholders to improve the availability of information about pro bono training and opportunities on Pro Bono.net/DC, facilitated outreach to legal services providers to identify prevailing areas of need, developed a fact sheet capturing the increased need being experienced by the community in light of COVID, and designed a menu of options that law firms and other institutions can pursue to demonstrate their expanded commitment to pro bono.

A second committee focused on information, materials, and communication, ensuring that the wide array of legal information being created and circulated is both centralized and also appropriately distributed both within and outside of the DC pro bono legal community.

The third committee focused on courts and tribunal-related issues. The focus of this committee has included the ways the courts and legal services organizations could work together to best serve litigants, remote hearing best practices, the use of technology, more robust availability of interactive court forms, the

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<sup>17</sup> More information about the Commission's Justice for All Initiative can be accessed at [www.dcccesstojustice.org/about-commission/](http://www.dcccesstojustice.org/about-commission/).

<sup>18</sup> See at <https://www.dcccesstojustice.org/dcrepresents/>.

development of a series of remote court sites, and communication about the resumption of in-person hearings and operational changes.

Through these and many other efforts, the Commission advances access to civil justice in the District of Columbia and calls on its partners in private practice to contribute to that effort through pro bono support.

## **B. Capital Pro Bono Honor Roll**

As part of the 2011 National Celebration of Pro Bono, the DC Bar Pro Bono Center and the D.C. Access to Justice Commission helped the DC courts establish the Capital Pro Bono Honor Roll, which annually recognizes the pro bono contributions of members of the DC Bar and others authorized to perform pro bono work in the District of Columbia. The Honor Roll, which is jointly sponsored by the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, recognizes attorneys who provide 50 or more hours of pro bono services (or 100 or more hours of service for a higher recognition category termed the “High Honor Roll”) per year.<sup>19</sup> To be included in the Honor Roll, DC Bar members and others who are authorized to perform pro bono work in the District of Columbia attest that they have provided the requisite number of hours of pro bono work in the corresponding calendar year. A complete list of Capital Pro Bono Honor Roll honorees is featured on the District of Columbia Courts’ website.<sup>20</sup>

In its inaugural year (2011), over 3,000 DC Bar members and others authorized to perform pro bono work in the District reported providing over 50 or more hours of pro bono service; over 2,000 of those attorneys reported providing over 100 hours or more of service, thereby qualifying for the High Honor Roll. The 2011 Honor Roll included attorneys from over 80 DC law firms as well as other lawyers from all segments of the Bar. Since then, the participation rates have steadily risen. For the most recent year for which data is available, 2021, the Honor Roll of lawyers providing more than 50 hours included 4,572 individuals, 2,595 of whom

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<sup>19</sup> Rule 6.1, Comment [5], of the DC Rules of Professional Conduct calls on members of the DC Bar to provide at least 50 hours of pro bono service per year, subject to limited alternative conditions.

<sup>20</sup> District of Columbia Courts, Pro Bono Honor Roll, <https://www.dccourts.gov/about/pro-bono-honor-roll>.



qualified for the High Honor Roll because they provided 100 or more hours of pro bono service. This represents, in the aggregate for 2021, over 358,000 hours of pro bono service from attorneys representing 165 law firms and individual practices, as well as federal and local government agencies, corporations, associations, law schools and public interest organizations.<sup>21</sup> Overall, these numbers were a slight dip compared to the previous year, the first time the number of attorneys listed on the honor roll has declined since 2011.<sup>22</sup>

### **C. The DC Bar Pro Bono Initiative**

In 2001, the DC Bar established its Pro Bono Initiative with the assistance of the Chief Judges of the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the United States Court of Appeals for the District of Columbia Circuit, and the United States District Court for the District of Columbia. The Initiative, administered by the DC Bar Pro Bono Center, called on the largest law offices in the District to increase their pro bono legal services. In joining the Initiative, a firm agrees to: (1) set a minimum pro bono goal of either 3 percent or 5 percent of billable hours (approximately 60 hours or 100 hours per attorney, respectively); (2) use management techniques to attain or exceed its pro bono goals; (3) undertake new or increased pro bono activities; and (4) report its progress annually to the D.C. Bar Pro Bono Center. These standards were created by and are used with permission from the Pro Bono Institute and modeled on the Institute's Law Firm Pro Bono Challenge.<sup>23</sup> In response, 41 law firms made those commitments and agreed to report annually to the DC Bar Pro Bono Center on their progress toward these goals.

As of 2022, 69 firms are members of the DC Bar Pro Bono Initiative and 67 of those firms responded, at least in part, to a survey regarding their 2021 pro bono activities. Combined, the 67 reporting firms' DC offices contributed 1,209,151 hours of pro bono service in 2021, the highest number of hours in the history of the survey. The 67 firms that responded in 2021 reported a 15 percent increase in the number of total pro bono

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> See Pro Bono Institute, *What Counts?*, available at <https://www.probonoinst.org/resources/what-counts/>.

hours between 2020 and 2021 – from 1,049,139 to 1,209,151 hours. Approximately 76 percent of attorneys in the 67 reporting firms (or 9,354 attorneys) participated in pro bono work in 2021, a decrease of 5 percentage points from attorney participation in 2020. The firms also collectively reported an increase in the number of attorneys in their DC offices, from 11,481 attorneys in 2020 to 12,363 attorneys in 2021. The average number of pro bono hours per attorney at the 67 firms also increased from 91 in 2020 to 129 in 2021, for the highest average number of hours ever reported. Although by many measures, the results of the 2021 survey are positive, it is concerning that the number of pro bono hours firms reported for serving DC residents of limited means or the organizations that serve them decreased from 2020 to 2021 by 18 percentage points.

#### **D. Amendments to Rules Regarding Pro Bono Legal Work in DC**

##### DC Court of Appeals Rule 49 Amendments

Recent years have seen significant updates to DC Court of Appeals Rule 49 to address issues related to the provision of pro bono legal services in DC.

In 2014, the District of Columbia Court of Appeals issued an order amending the Rules of the District of Columbia Court of Appeals (DC App. Rule 49) allowing internal counsel in Washington who are not members of the DC Bar to perform pro bono work. In its commentary, the Court recognized “the increased need for attorneys to serve as pro bono counsel.” The rule mirrored a similar pro bono exception for attorneys working for the federal government who are not DC Bar members. The rule allows in-house attorneys who are not members of the DC Bar to provide pro bono legal services in the District under the supervision of an active member of the DC Bar. The amended rule became effective on September 1, 2014.

On November 1, 2018, the District of Columbia Court of Appeals, following in significant part the recommendations of the DC Bar Pro Bono Committee and the DC Access to Justice Commission, issued an order amending Rule 49(c)(9). These amendments, which became effective January 1, 2019, expanded the pool of attorneys eligible to perform pro bono work by allowing active, inactive or retired out-of-state attorneys, or retired DC Bar members to do pro bono work in the District (mirroring current provisions for inactive DC Bar

members). Importantly, retired federal government attorneys barred in other jurisdictions (of whom there are many in the DC area) can thus provide pro bono service in the District as long as they are affiliated with a local pro bono legal services provider.

The Court of Appeals issued a subsequent amendment to Rule 49 to expand the pool of lawyers allowed to perform pro bono work in the District that took effect on August 22, 2022. Through this amendment, the Court relaxed the affiliation language to allow for pro bono practice when done in affiliation with a non-profit organization “or the legal pro bono program of the person’s employer, if the employer is not a law firm.” The rationale for this amendment put forth is that corporate employers might have free-standing pro bono programs or projects that are not conducted in affiliation with a legal services provider but should still be covered by the rule. Members of the bar and the Commission provided informal feedback on this proposed change. The impact, if any, of this rule change on the amount of pro bono service performed in the District remains to be quantified.

That recent amendment also altered the rule as applied to employees of the Public Defender Service for the District of Columbia or DC legal services nonprofits who are members of the bars of other states. Prior to the amendment, under a rule change that went into effect on January 1, 2019, if these employees applied to the DC Bar within 90 days after starting practice in DC, they could continue to practice (under certain conditions) until their DC Bar application has been either approved or denied. The prior rule also allowed law school graduates employed by or affiliated with the Public Defender Service or a non-profit, who are not barred in any jurisdiction, to practice under certain conditions while their DC Bar application is pending. The most recent amendment changes the time period for practice to a one-year limitation, rather than indefinitely while a DC Bar application is pending, with the ability to extend the one-year period for “good cause.” The UPL Committee report notes this change was proposed “for the sake of shortening and simplifying Rule 49” and

subjects Public Defender Service and non-profit-employed attorneys “to the same approximately one-year limitation as out-of-District lawyers who are practicing in the District of Columbia under Rule 49(c)(8).

Further, in response to the COVID-19 pandemic and its effects on applicants for admission to the Bar, on September 25, 2020, the DC Court of Appeals issued an order amending DC App. Rule 49 allowing 2019 and 2020 law graduates to practice law in the District of Columbia on a temporary basis upon satisfying a number of conditions, including completing an application for the bar exam.<sup>24</sup> The authorization ends when the graduate no longer meets all of the conditions, is admitted to the D.C. Bar, or after the application deadline for the next in-person bar exam (unless the person has submitted an application for that exam).

The second part of the September 2020 order amends DC App. Rule 46 by waiving the bar exam and allowing admission to the Bar of 2019 or 2020 graduates of an ABA-approved law school upon a showing of extraordinary circumstances related to the pandemic and upon satisfaction of several other requirements, including practicing under the direct supervision of an active member of the DC Bar for three years. The supervisor may work “for a non-profit organization in the District of Columbia that provides legal services to people of limited means at no charge or for a limited processing fee.”

While the court’s order may allow recent graduates to begin their practice with legal services providers sooner than they would absent the order, given the conditions they must meet to engage under either the temporary practice or waiver provision, the Standing Committee is not optimistic that the emergency order will by itself materially increase the level of legal services available to DC’s low-income population.

#### Pro Bono Legal Representation Expansion Amendment Act of 2022

In addition to the Rule 49 amendments, there has also been progress reflected in updates to the DC Code regarding pro bono legal services in DC. In 2021, following the issuance of guidance by the DC Board of Ethics and Government Accountability (BEGA) that, if sustained, would have sharply limited the authority of

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<sup>24</sup> See Order No. M269-20 (DC Sept. 24, 2020), available at [https://dccourts.gov/sites/default/files/2020-09/ORD\\_269-20.pdf](https://dccourts.gov/sites/default/files/2020-09/ORD_269-20.pdf).

DC Government employee lawyers to perform pro bono legal work in local courts and administrative agencies. a statute was introduced in the Council of the District of Columbia to provide clarity on the topic. The statute had the strong support and involvement of the DC public interest legal community, including through testimony offered by numerous organizations and individuals. In 2022, the resulting law was enacted – *the Pro Bono Legal Representation Expansion Amendment Act of 2022*, Law 24-150, now codified at DC Official Code Section 1-1162.23a. That amendment clarified that District government attorneys may provide pro bono legal representation in their personal capacities in proceedings before federal agencies and federal courts *as well as* District of Columbia agencies and courts, subject to conflict-of-interest limitations and appropriate supervisor approval.

#### V. **THE DANIEL M. GRIBBON PRO BONO ADVOCACY AWARD**

The Daniel M. Gribbon Pro Bono Advocacy Award was established in 2005 by the U.S. District Court for the District of Columbia in collaboration with the friends and family of Mr. Gribbon, who practiced law for more than 50 years at Covington & Burling LLP, where he was instrumental in establishing and participating in numerous impactful pro bono initiatives. The Gribbon family and friends endowed the Award in honor of his lifetime commitment to and steadfast support of pro bono legal services, with management of the endowment entrusted to the DC Circuit Historical Society. The Standing Committee manages the nomination process on behalf of the District Court and the award is presented, every other year during the Circuit Judicial Conference, to an individual attorney or law firm that has demonstrated distinguished advocacy in a pro bono matter litigated in the District Court.

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After a postponement attributable to the global pandemic, the Committee, in 2022, solicited nominations for matters that concluded between January 1, 2019 and December 31, 2021. With the benefit of input from District Court Chief Judge Howell, the Committee selected the law firm of Covington & Burling LLP as the recipient of the 2022 Gribbon Award for its pro bono work as Plaintiffs’ counsel in *Vote Forward v.*

*DeJoy*, a voting rights action challenging the U.S. Postal Service’s implementation of policies and practices that allegedly caused widespread delays in the delivery of mail-in ballots in the months leading up to the 2020 general election. A team of Covington attorneys, led by then-partner Shankar Duraiswamy and including John (Jay) Smith, Sarah Suwanda and Daniel Auten of the firm’s DC office, obtained a preliminary injunction and a series of emergency orders requiring USPS to undertake extraordinary measures to ensure that timely delivery of mail-in ballots, including use of express mail and the dispersal of inspectors to processing centers in several states to monitor compliance. After the 2020 general election, Covington negotiated an agreement with USPS to use similar measures in connection with the U.S. Senate runoff election in Georgia in January 2021. USPS also agreed to implement similar steps for the 2022 midterm elections and to post public guidance documents about timely delivery of election-related mail for elections going forward through 2028.

The Gribbon Award includes a \$1,000 donation to a legal service provider of the honoree’s choosing. Covington designated the Neighborhood Legal Services Program to receive the donation. The Committee congratulates Covington on the award and its longstanding commitment to pro bono representation.

## **VI. CONCLUSION**

The Standing Committee is grateful to Chief Judges Srinivasan and Howell, and to its judicial liaison Judge Cooper, for their support of the Committee’s ongoing work and their clear dedication to the objective of increasing pro bono work by DC lawyers in general and those who are members of the DC Circuit and District Court Bars in particular. Judge Cooper merits the Committee’s special gratitude for his leadership, wisdom, guidance, and energetic participation in its work, and for his reflection of the obvious commitment of the entire Court of Appeals and District Court bench to equal access to justice and equal rights under law – a proven commitment that continues to distinguish the District of Columbia Bar among the organized bars of the entire United States.

The Committee is no less devoted to the continuation of its efforts to enhance pro bono activity in DC in each of the areas addressed and described in this Report, and to identify and pursue additional new ways of increasing and enhancing effective pro bono legal services in the District of Columbia.

Comments and suggestions with respect to the substance of this Biennial Report are welcomed and may be directed to Committee Chair Ted Howard at [thoward@wiley.law](mailto:thoward@wiley.law).

DATED: February 17, 2023

Respectfully submitted,

The Standing Committee on Pro Bono  
Legal Services

# **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 prose 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 grant 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;

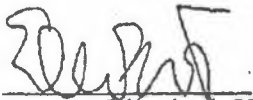
THEREFORE, BE IT RESOLVED, that the Judicial Conference of the District of Columbia Circuit:

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 (2021 hours)

Pro Bono at Your Law Firm

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.

1. Firm Information

Contact's name

Firm name

Contact's e-mail address

Contact's phone number

2. Size of D.C. Office as of December 31, 2021 (based on headcount, *not* FTE):

Number of partners:

Number of counsel:

Number of associates:

3. Does your firm have a written pro bono policy?

Yes

No

4. If your firm has a written or stated policy concerning provision of pro bono legal services, does that policy mandate or suggest the number of pro bono hours to be contributed annually by each attorney?

	Yes	No
For associates?	<input type="radio"/>	<input type="radio"/>
For counsel	<input type="radio"/>	<input type="radio"/>
For partners?	<input type="radio"/>	<input type="radio"/>

If you wish, you can explain your pro bono hours policy here:

5. If yes for the question above, how many hours is the stated goal?

For associates:

For counsel:

For partners:

Survey of Law Firm Policies and Activities Implementing the D.C. Circuit Judicial Conference Pro Bono Service Standard (2021 hours)

Pro Bono at Your Law Firm

6. Does your firm provide billable hour credit or the equivalent for pro bono work?

	Yes	No
For associates?	<input type="radio"/>	<input type="radio"/>
For counsel?	<input type="radio"/>	<input type="radio"/>
For partners?	<input type="radio"/>	<input type="radio"/>

If no to any of the above, please explain:

7. If so, are all pro bono hours credited the same as hours for commercial clients?

	Yes	No
For associates:	<input type="radio"/>	<input type="radio"/>
For counsel:	<input type="radio"/>	<input type="radio"/>
For partners:	<input type="radio"/>	<input type="radio"/>

If no to any of the above, please explain:

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

- Yes
- No
- If yes, number of hours per year?

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

- Yes
- No
- If yes, number of hours per year?



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

- Yes
- No
- If yes, number of hours per year?

11. Are the hours an associate spends on pro bono work compensated through the firm's bonus policy?

- Yes
- No
- Not applicable

12. If so, is there a limit on the number of pro bono hours that count toward a bonus?

- Yes
- No
- Not applicable

13. Looking at each individual attorney (partner, counsel, associate, etc.) in the D.C. office of your firm, and not aggregating or averaging hours across the firm, how many attorneys in your D.C. office individually performed 50 or more hours of pro bono legal work during 2021?

Number of D.C.-based partners who performed 50 or more hours of pro bono legal work in 2021:

Number of D.C.-based counsel who performed 50 or more hours of pro bono legal work in 2021:

Number of D.C.-based associates who performed 50 or more hours of pro bono legal work in 2021:

Survey of Law Firm Policies and Activities Implementing the D.C. Circuit Judicial Conference Pro Bono Service Standard (2021 hours)

Pro Bono at Your Law Firm

Please check the appropriate items (14-19 below), that best describe the coordination and management of your pro bono program.

14. Our pro bono program is coordinated and managed by a:

- full-time person
- part-time person

15. Who is an:

- attorney
- non-attorney

16. Who is a:

- partner
- counsel
- other (please specify)

17. Who handles:

- Other legal/administrative responsibilities
- Only pro bono program duties

18. If none of the categories in Questions 14-17 applies to the pro bono staffing at your firm, please describe your staffing below:

19. Has the number of individuals or the category of professional coordinating your program changed during the past two years?

- Yes
- No

If so, please describe the change in pro bono staffing:

Survey of Law Firm Policies and Activities Implementing the D.C. Circuit Judicial Conference Pro Bono Service Standard (2021 hours)

Pro Bono at Your Law Firm

20. Does your firm publicize internally 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 service (or 100 or more for a higher recognition category)?

- Yes
- No

21. 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 to legal service providers or accept an appointed case for an indigent or disadvantaged client?

- Yes
- No

22. Does your firm encourage attorneys who do not meet the 50 hour standard to contribute at least \$750 to legal service providers?

- Yes
- No

23. Does your firm monitor the number of attorneys who accept a court-appointed case for an indigent or disadvantaged client?

- Yes
- No
- If yes, how many individual attorneys in your D.C. office took a court-appointed case in 2019 for an indigent or disadvantaged client?

24. Did your firm provide any pro bono legal work directly in response to the COVID-19 crisis?

- Yes
- No
- If yes, please describe this work.

25. In the past year, has your firm adopted a new or renewed focus on racial justice, as reflected in its pro bono legal work?

Yes

No

If yes, please describe the activities that your firm has undertaken.

Survey of Law Firm Policies and Activities Implementing the D.C. Circuit Judicial Conference Pro Bono Service Standard (2021 hours)

Thank You

**Thanks for taking the survey of Law Firm Policies and Activities Implementing the D.C. Circuit Judicial Conference Pro Bono Service Standard.**

**If you have any questions, please contact: Brigida Benitez at [bbenitez@step toe.com](mailto:bbenitez@step toe.com)**

## APPENDIX C

**D.C. CIRCUIT JUDICIAL CONFERENCE  
STANDING COMMITTEE ON PRO BONO LEGAL SERVICES  
40 @ 50 SURVEY**

*Firms Honored For Pro Bono Performance In 2021*

Akin Gump Strauss Hauer & Feld LLP  
**Arnold & Porter\***  
**Barnes & Thornburg LLP**  
**Bryan Cave Leighton Paisner LLP**  
Cooley LLP  
Covington & Burling LLP\*+  
Crowell & Moring LLP  
Dechert LLP  
Fish & Richardson  
Gibson Dunn & Crutcher  
Hogan Lovells (US) LLP\*  
Hughes Hubbard & Reed LLP  
**Jenner & Block LLP\***  
Miller & Chevalier Chartered  
Morrison & Foerster  
**Orrick, Herrington & Sutcliffe LLP**  
Paul Hastings LLP  
Perkins Coie LLP  
Ropes & Gray LLP\*  
Sidley Austin LLP  
Skadden, Arps, Slate, Meagher & Flom LLP\*  
Steptoe LLP  
Sullivan & Cromwell LLP  
WilmerHale (*should this be WilmerHale?*) LLP  
**Winston & Strawn LLP**

\* -- Signifies 50% at 50+ hours

+ -- Signifies 60% at 50+ hours

Bold -- Signifies 40% of Partners at 50+ hours

# **APPENDIX D**



### Responding Agencies\*

Board of Veterans Appeals  
Central Intelligence Agency  
Commodity Futures Trading Commission  
Consumer Financial Protection Bureau  
Corporation for National and Community Service/Americorps  
Department of Agriculture  
Department of Defense  
Department of Education  
Department of Energy  
Department of Health and Human Services  
Department of Homeland Security  
Department of Housing and Urban Development  
Department of the Interior  
Department of Justice  
Department of Labor  
Department of State  
Department of Transportation  
Department of the Treasury  
Department of Veterans Affairs Office of the General Counsel  
Department of Veterans Affairs Office of the Inspector General  
Environmental Protection Agency  
Export-Import Bank of the United States  
Federal Communications Commission  
Federal Deposit Insurance Corporation  
Federal Election Commission  
Federal Emergency Management Agency  
Federal Energy Regulatory Commission  
Federal Labor Relations Authority  
Federal Maritime Commission  
Federal Mine Safety and Health Review Commission  
Federal Reserve Board  
Federal Trade Commission  
General Services Administration  
Internal Revenue Service  
Merit Systems Protection Board  
National Aeronautics and Space Administration  
National Labor Relations Board  
Office of Comptroller of the Currency  
Office of Government Ethics  
Office of Special Counsel  
Office of the U.S. Trade Representative  
Pension Benefit Guaranty Corporation  
Postal Regulatory Commission  
Securities and Exchange Commission  
Small Business Administration

Social Security Administration  
Tennessee Valley Authority  
U.S. Agency for International Development  
U.S. Citizenship and Immigration Services  
U.S. Customs and Board Patrol  
U.S. Immigration and Customs Enforcement  
U.S. Navy  
U.S. Postal Service

\* Some agencies responded more than once because different offices or components of the agency have their own pro bono policies and pro bono coordinators which are independent of each other.