

State Bar of Michigan  
Pro Bono Policies  
Regarding the Circle of Excellence  
To Recognize Firms That Meet  
The State Bar's Voluntary Pro Bono Standard<sup>1</sup>

The Circle of Excellence (COE) policies were initially adopted by the State Bar of Michigan Pro Bono Initiative (PBI) in 2006 and are updated for 2014, and include the addition of the "Leadership Level" recognition tier for firms whose lawyers give at the \$500 level.

These policies are offered to guide firms and corporations in their efforts to successfully qualify for the COE. They offer specific guidance for completing the COE application and make it clear that taken together, these policies provide that, to be pro bono, an activity must be:

- (a) legal services (as opposed to general community service);
- (b) provided for free<sup>2</sup>;
- (c) to low income individuals or to organizations providing direct services to low income individuals<sup>3</sup>.

1. The State Bar's Voluntary Pro Bono Standard was recently amended to increase annual financial contributions from \$300 to \$500 per lawyer for those whose income permits. This updated amount is to be reflected in a new "Leadership Level" tier on the COE to recognize those firms whose aggregate financial contribution reflect \$500 per lawyer. All COE applications submitted will be governed by the updated Standard.
2. The COE application asks the firm or corporation to document that it has complied with the Voluntary Standard for Pro Bono participation and/or that it will make a good faith effort to comply with the Standard in the upcoming year. In order to be listed on the Circle a law firm is required to complete a written application and must certify that it has provided financial donations or legal services which, in total, brings every lawyer in the firm into compliance with the Standard.
3. Eligibility is determined on a calendar year basis. Compliance with the Voluntary Pro Bono Standard will be calculated as described below:

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<sup>1</sup> <http://www.michbar.org/programs/atj/voluntarystds>

<sup>2</sup> The Standard also recognizes that "reduced fee" services may be pro bono. The PBI has found that most lawyers only count free work as pro bono work; moreover, there are a variety of reduced fee programs—some of which seem like pro bono work and some of which do not. At the current time, the PBI will make the determination of whether or not a given reduced fee activity is pro bono under the Standard on a case by case basis.

<sup>3</sup> Historically, pro bono has always been focused on legal services to the poor, but has also included legal services to traditionally underrepresented groups (often low income groups) who are socially or politically disadvantaged and without access to counsel—e.g., the elderly, the handicapped, racial and ethnic minorities, etc. Also, many programs provide services to groups that include both low income and non-low income persons. The PBI has adopted a rule that the program must be able to document that a majority of the persons benefited must have annual incomes under 200% of the Federal Poverty Level.

- Circle of Excellence  
Total contributions reported divided by \$300 and the total hours reported by 30. These two numbers will be combined to get the “total firm lawyers who met the Standard.” Firms whose total is equal to or greater than the number of lawyers in the firm will be recognized as eligible for the Circle of Excellence.
- Circle of Excellence - Firm Leadership Level  
Total contributions reported divided by \$500 and the total hours reported by 30. These two numbers will be combined to get the “total firm lawyers who met the Standard.” Firms whose total is equal to or greater than the number of lawyers in the firm will be recognized as eligible for the Circle of Excellence - Firm Leadership Level.

Pro bono hours credited will be primarily those provided without charge; however, a reduced-fee program may be considered. Reduced fee programs will be considered on a case by case basis only for firms that are close to the eligibility line and that report such work. In general, LRIS time will not be counted (since most lawyers undertake this work in order to get new clients) nor will appointed counsel time be counted.

4. All donations reported by the firm to ATJ Fund approved agencies and non-reimbursed costs advanced by the firm are counted. Only donations to ATJ Fund eligible programs will be counted; both donations made to the ATJ Fund for approved organizations and donations made directly to approved organizations will be counted; United Way designations will be counted only if designated to an ATJ Fund eligible program For a list of ATJ Fund eligible programs, see [http://www.michbar.org/atj/fund\\_eligibility.pdf](http://www.michbar.org/atj/fund_eligibility.pdf)
5. Only attorneys practicing in Michigan and the number of *pro bono* hours contributed by Michigan-based lawyers are counted towards eligibility. “Of counsel” attorneys will be considered to be part of the firm and all attorneys will be considered to be full time. If a firm is close to the line in determining COE eligibility, the lawyer count will be reduced if requested by the firm to reflect part time and inactive attorneys.
6. The *pro bono* hours of legal specialists, paralegals, law students, and summer associates may be considered if the firm’s attorney combined contributions and services do not reach 100% participation.
7. All funds are counted in the year received. However, if a firm makes a request that its donation be credited for COE purposes to a different year (e.g., a firm provides a “make up” donation early in 2014 so that it is eligible for the COE for 2013) the committee may honor that request.
8. The PBI can make an exception to allow a long time leader to remain on the COE where that firm or corporation has an “off year” which would drop them from the Circle.

9. If the PBI is unsure whether or not a firm has met the Standard, it can seek additional information from the firm and from legal services and pro bono service providers.
  
10. COE applications are not public documents. The PBI will not publish COE applications or share the contents of applications outside the PBI or COE process. The COE applications will be used internally by the Bar to verify compliance with the Standard. The final list of firms who have been approved for inclusion in the COE will be published, posted and distributed in various ways.

March 2014