

Memorandum

To: Board of Commissioners

From: SBM Access to Justice Committee Chair Ashley Lowe
SBM Pro Bono Service & Justice Initiatives Counsel Robert Mathis

Date: November 7, 2018 [Adopted by the BOC on November 16, 2018]

Re: A Lawyer Helps Pro Bono Honor Roll Proposal

The Voluntary Pro Bono Standard (“Voluntary Standard”), as adopted by the State Bar of Michigan’s Representative Assembly, encourages Michigan attorneys to provide 30 or more hours of pro bono legal services each year or contribute a minimum of \$300 (\$500 for those attorneys whose income allows) to support civil legal services to low-income individuals.

For the last 14 years, the State Bar of Michigan Pro Bono Circle of Excellence provided much-deserved recognition for firms and corporations that demonstrated full compliance with the Voluntary Standard by providing pro bono legal services to low-income people in need, or financial contributions to the Access to Justice Fund to increase resources for civil legal aid for the poor in Michigan, or both. The 2018 Circle of Excellence, based on financial contributions and pro bono services provided in 2017, recognized 53 firms and corporations that demonstrated full compliance with the Voluntary Standard.

Concurrently, the Access to Justice Campaign (ATJ Campaign), developed in 1997 as a partnership between the State Bar of Michigan, Michigan State Bar Foundation, and civil legal aid programs, has been engaged in raising money for civil legal aid to the poor. The ATJ Campaign was one of the first statewide campaigns in the nation dedicated to raising resources for civil legal aid. Over time, however, the campaign fell significantly behind most states in donations per attorney for civil legal aid. Drawing on the success and best practices of other states’ fundraising efforts, the ATJ Campaign is evolving to take advantage of new opportunities to increase financial resources for civil legal aid to the poor.

While financial donations to the ATJ Fund to support civil legal aid in Michigan are extremely important, the provision of pro bono legal services to low-income people also plays an essential role in providing access to justice for those in need. In 2014 alone, Michigan attorneys provided more than 32,000 hours of free legal help for low-income clients, making a significant impact toward increased access to justice.

In order to ensure that both financial assistance and pro bono efforts by lawyers and law firms receive the recognition they rightfully deserve, the ATJ Campaign and the State Bar of Michigan are expanding its recognition of attorneys' efforts, and will begin recognizing financial contributions and pro bono service separately.

Beginning in 2019, the Access to Justice (ATJ) Campaign will recognize, on tiered recognition lists, individuals, law firms, and corporate legal departments that make significant total donations, as well as law firms that achieve a per-attorney average donation, of at least \$300, starting with tiered levels of \$300, \$500, \$750 or \$1,000 per lawyer.

Realizing the need to continue to underscore the importance of pro bono legal services provided by Michigan attorneys, in June 2018, SBM's Access to Justice Committee formed a workgroup comprised of committee members from a large law firm, legal aid programs, the Michigan State Bar Foundation, and SBM staff. The committee was tasked with looking at how to best recognize the pro bono service efforts of Michigan attorneys. After several months of researching the pro bono service recognition methods in other states and talking with a diverse group of interested stakeholders in Michigan, the workgroup developed the "A Lawyer Helps (ALH) Pro Bono Honor Roll" proposal. The proposal was presented to the ATJ Committee for consideration at its October 24, 2018 meeting, receiving the committee's unanimous support.

The proposed ALH Pro Bono Honor Roll, explained in more detail below, is designed to recognize, on tiered recognition lists, both individual Michigan attorneys who provide 30 or more hours of pro bono legal services in a calendar year and also law firms and corporations that achieve a per-attorney average of at least 30 hours of pro bono legal services in a calendar year, per the Voluntary Standard. The recognition list will use tiered levels of 30, 50, and 100 hours.

- I. **Eligibility.** Eligibility for the ALH Pro Bono Honor Roll will be determined on a calendar-year basis. Michigan attorneys who provide 30 or more hours of pro bono legal services, per the Voluntary Standard, for free or a reduced fee (50 percent or less than the fair market rate for similar legal services) to individuals with limited means or to organizations providing direct services to individuals with limited means will be eligible to be recognized on the ALH Pro Bono Honor Roll.
- II. **Procedure.** Once the proposal is adopted, beginning in January and ending in late February of each year, there will be two ways that pro bono service hours can be reported to the State Bar of Michigan to count toward ALH Pro Bono Honor Roll eligibility. First, pro bono service hours can be reported to the State Bar by completing the ALH Pro Bono Honor Roll online application. Second, pro bono service hours can be reported by SBM Pro Bono Partner Programs.
- III. **ALH Pro Bono Honor Roll Online Application.** Individual attorneys and designated staff members, on behalf of their affiliated law firms and corporations, will be encouraged to complete and submit an ALH Pro Bono Honor Roll online application. The application will be made available on the State Bar of Michigan's website. The online application will ask for attorney names and the number of pro bono legal service hours provided by each attorney in the previous calendar year.

- IV. **Law Firms and Corporations.** In order to be recognized on the ALH Honor Roll, a law firm or corporation will be required to complete and submit the ALH Pro Bono Honor Roll online application. The law firm or corporation must certify that its attorneys on average have provided legal services which, in total, qualify the law firm or corporation to be recognized at or above the 30-, 50-, or 100-hour mark in a calendar year. Only attorneys practicing in Michigan and the number of pro bono hours contributed by Michigan-based lawyers count toward eligibility. “Of counsel” attorneys will be considered to be part of the firm or corporation and all attorneys will be considered to be full-time. If a firm or corporation is close to qualifying for the ALH Pro Bono Honor Roll, the lawyer count will be reduced if requested to reflect part-time and inactive attorneys.
- V. **SBM Pro Bono Partner Programs (Partner Programs).** Partner Programs will be encouraged to submit, by email, the names of their pro bono attorneys and the number of pro bono legal service hours provided by each attorney in the previous calendar year to the State Bar of Michigan at ALHProBonoHonorRoll@michbar.org.
- VI. **Recognition.** Individual attorneys, law firms, and corporations will be recognized at one of three recognition levels for providing 30, 50, or 100 or more hours of pro bono service in the previous calendar year. The State Bar of Michigan will publicize attorneys on the ALH Pro Bono Honor Roll through several different methods, including, but not limited to, postings on the web, in the *Michigan Bar Journal*, and/or through other printed and electronic methods. Attorneys completing the ALH Honor Roll online application will indicate their preference for recognition as a member of the ALH Pro Bono Honor Roll, and will be given the option to opt out of recognition.
- VII. **Confidentiality.** ALH Pro Bono Honor Roll applications are not public documents. The State Bar of Michigan will not publish ALH Pro Bono Honor Roll applications or share the contents of applications.

As stated above, for the last 14 years, the Circle of Excellence recognized both law firms and corporations that demonstrated full compliance with the Voluntary Standard by providing pro bono legal services or financial contributions, or both. However, 2018 marked the end of the Circle of Excellence program. Beginning in 2019, the ATJ Campaign will recognize individuals, law firms, and corporate legal departments that make qualifying financial donations to support civil legal aid to the poor. For SBM to continue recognizing pro bono service provided by Michigan attorneys, a new method to recognize pro bono service must be adopted. Consequently, the ATJ Committee respectfully requests that the BOC adopt its ALH Pro Bono Honor Roll proposal.