

On this and the next pages you will find model *pro bono* policies for the various attorney practice settings.

Law Firm Pro Bono Policy

Introduction: The purpose of this memorandum is to record the Firm's policy of encouraging *pro bono* activity and to describe the procedures that the Firm will follow in handling *pro bono* matters.

Michigan Rules of Professional Conduct: Rule 6.1 provides:

“A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means, or to public service or charitable groups or organizations. A lawyer may also discharge this responsibility by service in activities for improving the law, the legal system, or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.”

The comment on this rule states as follows:

“Every lawyer, regardless of professional prominence or workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged.”

The Firm's Commitment: The firm believes that *pro bono* matters are an important part of its overall responsibility. It is part of every attorney's professional responsibility to provide *pro bono* legal services to those in need, and the Firm wishes to create an environment in which handling *pro bono* matters can be done in an efficient manner, with the least administrative burden. The Firm believes that *pro bono* matters must be handled with the same level of professional competence as any other matter handled by the Firm.

Michigan Voluntary Standard: The Firm endorses the voluntary standard adopted by the Representative Assembly of the State Bar of Michigan on April 28, 1990, which is attached. The Firm will strive to meet the Standard, to the extent possible, primarily by providing legal services to low-income individuals or to organizations providing services to low-income individuals, as provided in points 1 and 2 of the Standard.

Administration: All matters proposed to be undertaken on a *pro bono* basis shall be reviewed to ensure that

- acceptance of matters is compatible with overall workload constraints,
- there is no legal or business conflict with an existing client,
- the legal issue raised is not frivolous or untenable, and
- the case is appropriate for *pro bono* representation.

If the client would be financially eligible for assistance through a Legal Services Corporation (LSC), the Firm will volunteer to provide *pro bono* assistance, but will seek to have the client's case administered by the local LSC *pro bono* program. The *pro bono* program will then provide malpractice coverage, as well as administrative responsibility for the case.

Recording of Time and Handling of Expenses: Time spent by attorneys on accepted *pro bono* matters will be counted as part of total productive time for all purposes. The Firm will make a good-faith effort to record *pro bono* hours or contributions. Waiver or suspension of fees for indigent individuals (*see, e.g.*, MCR 2.002) will be sought where appropriate. The Firm will devote the resources of the support staff, including temporary or part-time staff, to *pro bono* matters. Nonreimbursable expenses should be contemplated in advance where foreseeable.

Corporate Legal Department *Pro Bono* Policy

Introduction: The purpose of this memorandum is to record the legal department's policy of encouraging *pro bono* activity and to describe the procedures that the legal department will follow in handling *pro bono* matters.

Michigan Rules of Professional Conduct: Rule 6.1 provides:

“A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means, or to public service or charitable groups or organizations. A lawyer may also discharge this responsibility by service in activities for improving the law, the legal system, or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.”

The comment on this rule states as follows:

“Every lawyer, regardless of professional prominence or workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged.”

The Legal Department's Commitment: The legal department believes that *pro bono* matters are an important part of its overall responsibility. It is part of every attorney's professional responsibility to provide *pro bono* legal services to those in need, and the legal department wishes to create an environment in which handling *pro bono* matters can be done in an efficient manner, with the least administrative burden. The legal department believes that *pro bono* matters must be handled with the same level of professional competence as any other matter handled by the legal department.

Support of Management: This policy has been reviewed by and has the support of the management of the company.

Michigan Voluntary Standard: The legal department endorses the voluntary standard adopted by the Representative Assembly of the State Bar of Michigan on April 28, 1990, which is attached. The legal department encourages its attorneys to meet the Standard, to the extent possible, primarily by providing legal services to low-income individuals or to organizations providing services to low-income individuals, as provided in points 1 and 2 of the Standard.

Administration:

Pro Bono Coordinator. The legal department has named _____ as the *Pro Bono* Coordinator of the legal department. The *Pro Bono* Coordinator has the responsibility for managing the *pro bono* efforts of the legal department and its individual attorneys. All matters proposed to be undertaken on a *pro bono* basis shall be reviewed by the *Pro Bono* Coordinator, who will ensure that

- acceptance of matters is compatible with overall workload constraints,
- there is no legal or business conflict with an existing client,
- the legal issue raised is not frivolous or untenable, and
- the case is appropriate for *pro bono* representation.

If the client would be financially eligible for assistance through a Legal Services Corporation (LSC), the Firm will volunteer to provide *pro bono* assistance, but will seek to have the client's case administered by the local LSC *pro bono* program. The *pro bono* program will then provide malpractice coverage, as well as administrative responsibility for the case.

Time Spent on Pro Bono Work: Time spent on authorized *pro bono* matters will be counted as part of total productive hours and shall be considered for the purpose of performance evaluations and compensation. The legal department recognizes that some *pro bono* work will need to be done during normal office hours. [Attorneys will be expected to at least match the company time expended on *pro bono* efforts with contributions of their own time.]

Record Keeping and Expenses. Attorneys will be expected to maintain records of the number of matters handled and the time spent on each. The legal department will establish a budget for expenses related directly to *pro bono* work, such as library materials purchased solely for this activity, court and agency filing fees, transportation and training expenses, and malpractice insurance, and attorneys will be expected to identify and control such expenses to ensure that they remain within the budget. It is expected that a waiver or suspension of fees for indigent individuals (*see, e.g., MCR 2.002*) will be sought where appropriate. However, the legal department will devote the resources of the support staff – legal assistants, secretaries, word processing, messenger service, duplicating, and the like-to *pro bono* matters. Assignment of attorneys and legal assistants and nonreimbursable expenses of a nonroutine nature must be cleared in advance by the *Pro Bono* Coordinator.

Professional Liability Insurance. [Professional liability insurance has been obtained by the company to cover attorneys for professional services in connection with *pro bono* matters.]

OR

[Since the company has not obtained professional liability insurance to cover attorneys for professional services rendered in connection with *pro bono* matters, attorneys who do not have personal coverage should limit their representation to clients referred by agencies who provide adequate coverage for their volunteers.]
