

Pro Bono Model Policy Worksheet

Introduction

The Oregon State Bar's Pro Bono Committee developed this worksheet, handbook and attached template policy as tools for your firm to use in crafting a written pro bono policy that is specifically tailored to your firm's lawyers, practices and goals. The sources we relied on in developing this tool include the OSB Aspirational Pro Bono Standard, the American Bar Association's pro bono standard, other state bars' policies, and existing law firm pro bono policies. The Committee's goal is simply to provide you with a helpful resource to prepare a clear and useful written pro bono policy for your firm.

The worksheet and template are not intended to constrain or require your firm to use any particular elements as part of a written pro bono policy. Different firms have different needs, practices, sizes, cultures and goals. The worksheet and template are meant to be a flexible tool to help you develop a written policy.

There are a variety of methods your firm can use to craft a written pro bono policy. Some firms have formed a committee to write a policy, while others have delegated that responsibility to individual lawyers. Whatever method you use, this tool is intended to help simplify and speed that process. We have developed a worksheet that asks you to consider potential components of your firm's pro bono policy in a multiple-choice format. We recommend that you start by printing the worksheet and answering the 20 questions by hand. Then use the Online Document Creator at www.osbar.org/probono/policy to produce your custom written pro bono policy draft for your review. The members of the Committee, as well as a panel of firms (both large and small) who have already used the template, are available to serve as a resource as you are crafting a written pro bono policy.

Finally, we on the OSB Pro Bono Committee are always looking for ways to provide more useful information to the members of the bar. Please contact the Pro Bono Program at probono@osb.org or (503) 431-6355 if you would like more information or would be interested in having Pro Bono Committee members sit down with you to help with the drafting process. We'd also like to hear from you purely to recognize firms that are developing pro bono policies. If you would be willing to share any written pro bono policy that you might create with us, other lawyers and firms may find your approach helpful in crafting their own policies.

Technical Information

The answers you select in the Online Document Creator will be saved until your session ends. Your session will end when you click the Submit button at the end of the worksheet or if your screen is idle for 90 minutes and times out. Once your session ends, all data will be lost. You can restart the Online Document Creator as often as you would like.

When you click the Submit button at the end of the worksheet, the Online Document Creator will produce a draft pro bono policy that incorporates your answers into the Pro Bono Policy template. Your draft policy will be displayed on the screen and available for download as a RTF (rich-text format) document. Remember to save your draft to your computer, as you will not be able to retrieve it once your session ends.

Please enter the name of your law firm: _____

1. Which of the following sections will be included in the firm policy? (Please check all that apply) Note 1

- Firm's Commitment to Pro Bono
- Pro Bono Standards
- Firm's Pro Bono Expectations

- Pro Bono Defined
- Addressing Pro Bono Expectations in the Hiring Process
- Coordination of Pro Bono Work
- Staffing and Supervision of Pro Bono Activities
- Recognition of Pro Bono Work
- Other _____

2. In addition to the OSB Pro Bono Aspirational Standard (OSB Bylaw 13.1), which of the following national pro bono standards does the firm support, if any? Note 2

- American Bar Association Model Rule 6.1
- Pro Bono Institute
- Other _____
- None

3. How many hours of pro bono service will the firm expect or recommend that each lawyer complete annually? Note 3

- 80
- 60
- 50
- Other _____

4. How many hours of that annual pro bono service should be direct representation of low-income people? Note 4

- All
- Two-thirds
- Half
- Two cases (based on the OSB's Aspirational Standard)
- Other _____

5. Which of the following activities will the firm consider to fulfill its pro bono expectations? (Please check all that apply) Note 5

- All activities in OSB Aspirational Standard (OSB Bylaw 13.1)
- All activities in ABA Model Rule 6.1
- Direct provision of legal services to persons of limited means without an expectation of compensation, including all volunteer services through a legal aid office or non-profit organization's pro bono program
- Delivery of legal services to charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means.
- Delivery of legal services **at no fee** to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights
- Delivery of legal services **at a substantially reduced fee** to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights
- Delivery of free legal services that benefit the public (e.g., helping an arts organization obtain nonprofit status; giving legal advice to a nonprofit board)
- Legal activities that improve the law, the legal system and the legal profession (e.g., serving on an OSB, local bar, or court committee, section, or task force; coaching a mock trial team; serving as a volunteer *pro tem* judge)
- Mentoring another lawyer on pro bono work
- Other _____

6. Which of the following activities, if any, will the firm specifically exclude from the work it considers to fulfill its pro bono expectations? (Please check all that apply) Note 6

- Delivery of legal services at a substantially reduced fee to persons of limited means
- Voluntary financial contributions to organizations that provide legal services to persons of limited means
- Non-legal volunteer services to any civic, charitable and public service organizations (e.g., Meals on Wheels, Habitat for Humanity, or other volunteer-based organizations)
- Other non-legal volunteer activities
- Uncollectible fee-generating or contingency fee matters
- Legal services to friends or family who do not have a low income
- CLE instruction
- Volunteer service on board of directors or bar activities that are not related to improving the availability or quality of legal services to persons of limited means
- None. Each lawyer is free to determine how to fulfill his or her pro bono responsibilities
- Other _____

7. What is the firm's policy on financial contributions to organizations that coordinate legal services to persons of limited means? (check one) Note 7

- Lawyers may contribute to organizations that coordinate legal services to persons of limited means in lieu of direct pro bono services.
- In addition to providing pro bono services, the firm encourages lawyers to contribute to organizations that coordinate legal services for persons of limited means.
- The firm will leave decisions about financial contributions up to individual lawyers.
- Other _____

8. If the firm encourages an annual financial contribution, what contribution is sufficient to meet firm expectations? Note 8

- \$_____ per year
- The firm will leave the amount of financial contributions up to individual lawyers.
- Not applicable. The firm will not encourage lawyers to make a contribution.

9. Who will coordinate the pro bono work of the firm's lawyers? (Please check all that apply) Note 9

- This firm's pro bono program is coordinated by a Pro Bono Coordinator.
- This firm's pro bono program is coordinated by a Pro Bono Committee.
- This firm's pro bono program is coordinated by a Pro Bono Coordinator and a Pro Bono Committee
- Individual lawyers are expected to find pro bono opportunities that will provide the optimum experience.
- Individual lawyers may seek pro bono opportunities personally, but are expected to coordinate with the Pro Bono Coordinator and/or Pro Bono Committee.
- Other _____

10. If the firm will have a pro bono coordinator, what role and responsibilities will be assigned to that coordinator? (Please check all that apply) Note 10

- Serve as a member of the firm's management/executive committee
- Serve as a contact person for organized pro bono programs

- Foster relationships with pro bono programs
- Coordinate case screening and assignments
- Disseminate information on pro bono opportunities to lawyers
- Match lawyers and opportunities
- Monitor the status of cases
- Produce quarterly or annual reports on the firm's pro bono service
- Report pro bono hours of firm's lawyers to the OSB Pro Bono Roll Call or other outside entities
- Recognize outstanding service of individual lawyers or of the firm as a whole, where applicable
- Coordinate publicity for the firm's pro bono work
- Other _____

11. If the firm will have a committee within the firm to coordinate pro bono work, what role and responsibilities will be assigned to that committee? Note 11

- Serve as a contact for organized pro bono programs
- Foster relationships with pro bono programs
- Coordinate case screening and assignments
- Disseminate information on pro bono opportunities to lawyers
- Match lawyers and opportunities
- Monitor the status of cases
- Produce quarterly or annual reports on the firm's pro bono service
- Report pro bono hours of firm's lawyers to the OSB Pro Bono Roll Call or other outside entities
- Recognize outstanding service of individual lawyers or of the firm as a whole, where applicable
- Coordinate publicity for the firm's pro bono work
- Other _____

12. If individual lawyers will be asked to find their own pro bono opportunities, what sources does the firm prefer that they use? (Please check all that apply) Note 12

- A program administered by an OSB certified pro bono program
- Any legal non-profit pro bono program
- The firm's own clinic established through a relationship with a local non-profit
- Other _____
- No preference

13. How will the firm assign pro bono cases to its lawyers? Note 13

- The firm will employ a rotation policy to assign lawyers within the firm to pro bono cases the firm has been assigned.
- The firm will accept assignments of individual, and especially large or complex, pro bono cases as firm projects to which all the lawyers in the firm will contribute in some measure.
- Lawyers within the firm will accept individual assignments of pro bono cases.
- The firm has a Lawyer-on-Loan program that covers the salary and training costs of a seasoned firm member to work for an OSB certified pro bono program.
- Other _____

14. How will the firm monitor and track pro bono cases being handled by its lawyers that involve direct provision of legal services to persons of limited means? Note 14

- Lawyers will be expected to report their pro bono hours to the pro bono coordinator
- Lawyers will be expected to report their pro bono hours to the pro bono committee
- The firm will track pro bono hours using the same tracking system used for billable hours.

- The firm will track pro bono hours using an electronic tracking system other than the one used for billable hours.
- Other _____

15. How will the firm monitor and track community pro bono service, as opposed to direct legal services to persons of limited means, provided by its lawyers? Note 15

- Lawyers will be expected to report their pro bono hours to the pro bono coordinator.
- Lawyers will be expected to report their pro bono hours to the pro bono committee.
- The firm will track pro bono hours using the same tracking system used for billable hours.
- The firm will track pro bono hours using an electronic tracking system other than the one used for billable hours.
- Other _____
- The firm will not track community pro bono service.

16. Will the firm participate in the OSB's annual Pro Bono Roll Call by reporting each lawyer's pro bono hours in the requested OSB pro bono categories? Note 16

- Yes
- No

17. Will the firm participate in other pro bono reporting programs, such as the American Bar Association's Law Firm Pro Bono Challenge or the Pro Bono Institute Law Firm Pro Bono Challenge? Note 17

- Yes
- No

18. Will the firm produce an annual pro bono report for either internal use or for distribution to clients, the bar or other destinations? Note 18

- Yes
- No

19. If the firm produces an annual pro bono report for either internal use or for distribution to clients, the bar or other destinations, what components are or will be included? Note 19

- Pro bono goal for the current year
- The number of pro bono hours provided by the firm
- The number of lawyers in the firm that provided pro bono services
- The number of pro bono hours provided by each participating lawyer
- The types of pro bono services provided (examples of successful pro bono matters)
- The monetary value of pro bono services provided by the firm
- Recognition of firm members providing exceptional pro bono service
- A pro bono goal for the upcoming year
- Strategies for achieving the firm's pro bono goal for the next year
- Press coverage
- Highlight legal service clients
- Other _____

20. How will the firm encourage and recognize pro bono service by its lawyers? (Please check all that apply) Note 20

- All time spent on pro bono matters are treated in the same manner as billable hours for purposes of evaluating lawyers.
- The firm will give billable hour credit for a designated number of pro bono hours per year for purposes of evaluating lawyers.
- The firm encourages each of its lawyers to have one active pro bono matter all times.
- No lawyer will be penalized or criticized for time devoted to pro bono within this policy.
- Time will be designated at orientation to discuss the firm's pro bono policy and how to meet goals. Examples of pro bono service by firm members will be highlighted.
- Other _____.