

MENTOR MATCH PROGRAM
WORKSHEET G
INTRODUCTION TO PRO BONO, CIVIC AND CHARITABLE ACTIVITIES

Worksheet G is intended to facilitate a discussion about pro bono agencies and opportunities, as well as civic and charitable work.

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- Read the Statement Regarding the Provision of Pro Bono Legal Services which is provided below. Discover the pro bono opportunities offered in your geographical area and area of practice in www.in.gov/judiciary/probono/attorneys/
- Discuss why it is so important to provide pro bono representation. Read and discuss the attached articles. *The Foundation in the 90's: Pro Bono and IOLTA*, by Joann Orr, RES GESTAE, October 2000; *Raising the Bar: Pro Bono, Altruism and Other Truths About Good Lawyering and Great Lawyers*, by Douglas D. Church, RES GESTAE, June 2008.
- Discuss the types of pro bono and other charitable activities the mentor engages in and why s/he does so. What tangible and intangible benefits does the mentor find that offsets the investment of time and resources?
- Discuss opportunities for other types of charitable and civic work.
- Discuss how pro bono work contributes to or detracts from having balance in the mentor's life.
- Review and discuss any of the articles that are attached that reflect Indiana's vision of Pro Bono and IOLTA in the last two decades. (attached)
- Read the attached article and discuss the different ways to provide service. Rabb Emison, *Fair Comment: A Lawyer's Compensation*, RES GESTAE, March 1995 and Matthew Grantham, *Fair Comment: Celebrating the "Pro Bono Experience" in Indiana*, RES GESTAE, November 2009.
- Invite the new lawyer to attend a meeting of a charitable or civic organization in which the mentor is involved, or invite the new lawyer to participate in a pro bono activity with the mentor (if appropriate).
- To the extent possible, introduce the new lawyer to those involved in an organization where the new lawyer is interested in volunteering.

RESOURCES

STATEMENT REGARDING THE PROVISION OF PRO BONO LEGAL SERVICES BY INDIANA LAWYERS

Each day, Indiana residents require legal assistance to secure basic needs such as housing, education, employment, health care, and personal and family safety. Many persons of limited means are unable to afford such assistance, and legal aid programs must concentrate limited resources on those matters where the needs are most critical. The result is that many residents who are facing significant legal problems do not have access to affordable legal services. These persons are forced to confront landlord-tenant issues, have questions involving employment rights, or seek protection against domestic violence without the assistance of a legal advocate.

Lawyers, law firms, bar associations, and legal services organizations, such as the Indiana Pro Bono Commission, have done and continue to do much to address unmet civil legal needs through the organization of, support for, and participation in pro bono legal services programs. Although these programs have increased both in number and scope in recent years, there remains an urgent need for more pro bono services.

Each Indiana lawyer is strongly encouraged to ensure access to justice for all Indiana residents by participating in pro bono activities. There are pro bono programs available throughout Indiana that are sponsored by bar associations, legal aid programs, churches, and civic associations. Many programs offer a variety of free legal services, while others concentrate on specific legal needs. Lawyers also may choose to participate in programs that focus on the needs of specific individuals such as senior citizens, the disabled, families of military personnel, or immigrants. The web site www.in.gov/judiciary/probono/attorneys contains a complete, searchable listing of pro bono programs and opportunities in Indiana. A lawyer may fulfill this professional commitment by providing legal counsel to charitable organizations that may not be able to afford to pay for legal services or by making a financial contribution to an organization that provides legal services to persons of limited means.

Many Indiana lawyers honor their professional commitment by regularly providing pro bono legal services or financial support to pro bono programs. We encourage lawyers to respond to this call by seeking to engage in new or additional pro bono opportunities. To document the efforts and commitment of the legal profession to ensure equal access to justice, the Indiana Pro Bono Commission has developed a means by which Indiana lawyers may report their pro bono activities and financial support for legal aid programs through the website. The information regarding pro bono efforts will not only underscore the commitment of the legal profession to serving the public good but also will serve as a constant reminder to the bar of the importance of pro bono service.

INDIANA RULES OF PROFESSIONAL CONDUCT
PUBLIC SERVICE
RULE 6.1 PRO BONO PUBLICO SERVICE

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, 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.

Comment 1. The American bar Association House of delegates has formally acknowledged “the basic responsibility of each lawyer engaged in the practice of law to provide public interest legal services” without fee, or at a substantially reduced fee, in one or more of the following areas: poverty law, civil rights law, public rights law, charitable organization representation and the administration of justice. The Indiana State Bar Association House of delegates has declared that “all Indiana lawyers have an ethical and social obligation to provide uncompensated legal assistance to poor persons” and adopted an aspirational goal of fifty hours a year, or an equivalent financial contribution.

For purposes of this paragraph:

- (a) Poverty law means legal representation of a client who does not have the financial resources to compensate counsel.
- (b) Civil rights (including civil liberties) law means legal representation involving a right of an individual that society has a special interest in protecting.
- (c) Public rights law means legal representation involving an important right belonging to a significant segment of the public.
- (d) Charitable organization representation means legal service to or representation of charitable, religious, civic, governmental and educational institutions in matters in furtherance of the organization’s purpose, where the payment of customary legal fees would significantly deplete the organization’s economic resources or where it would be inappropriate.
- (e) Administration of justice means activity, whether under bar association auspices or otherwise, which is designed to increase the availability of legal representation, or otherwise improve the administration of justice. This may include increasing the availability of legal resources to individuals or groups, improving the judicial system, or reforming legal institutions that significantly affect the lives of disadvantaged individuals and groups.

[2] The rights and responsibilities of individuals and organizations in the United States are increasingly defined in legal terms. As a consequence, legal assistance in coping with the web of statutes, rules and regulations is imperative for persons of modest and limited means, as well as for the relatively well-to-do.

[3] The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees continues to be an obligation of each lawyer as well as the profession generally, but the efforts of individual lawyers are often not enough to meet the need. Thus, it has been necessary for the profession and government to institute additional programs to provide legal services. Accordingly, legal aid offices, lawyer referral services and other related programs have been developed, and others will be developed by the profession and government. Every lawyer should support all proper efforts to meet this need for legal services.

[4] Typically, to fulfill the aspirational goals in Comment 1, legal services should be performed without the expectation of compensation. If, during the course of representation, a paying client is no longer able to afford a lawyer's legal services, and the lawyer continues to represent the client at no charge, any work performed with the knowledge and intent of no compensation may be considered pro bono legal service.

The award of attorney's fees in a case originally accepted as pro bono does not disqualify such services from fulfilling the foregoing aspirational goals. However, lawyers who receive attorney's fees in pro bono cases are strongly encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means, or that promote access to justice for persons of limited means.

- [5] Typically, the following would not fulfill the aspirational goals in Comment 1:
- (a) Legal services written off as bad debts.
 - (b) Legal services performed for family members.
 - (c) Legal services performed for political organizations for election purposes.
 - (d) Activities that do not involve the provision of legal services, such as serving on the board of a charitable organization.

View complete rule and comments at http://www.in.gov/judiciary/rules/prof_cond/