

## **PRO BONO LEGAL SERVICES**

### **I. STATEMENT OF POLICY**

Each of the states in which the Firm maintains an office, as well as the American Bar Association and other state bar associations, have established policies encouraging and in some cases requiring each lawyer to donate pro bono and other public service activities that serve those in need. Increasingly the bar associations are establishing specific time goals or requirements such as the American Bar Association standard of fifty hours annually. Quarles & Brady lawyers traditionally have donated thousands of hours of legal services annually to indigent persons and to organizations that serve indigent persons. The firm strongly encourages and supports the provision of pro bono legal services.

This commitment is evidenced by the firm's participation in the Law Firm Pro Bono Challenge, monitored by the Pro Bono Institute at the Georgetown University Law Center. As part of the Challenge, the firm has agreed to annually contribute an amount of time equal to at least 3% of the firm's total billable hours.

### **II. SCOPE OF POLICY**

This policy relates specifically to the firm's pro bono legal activities. Related policies are found in other sections of the Office Practice and Procedure Manual. For example, Section 3.11 prohibits all "on the side" legal services and requires that any legal work be undertaken only after regular intake and conflicts review, and Section 3.20 requires that all legal matters be properly supervised. All pro bono matters should receive the same attention as any other legal service by the firm.

### **III. TYPES OF PRO BONO LEGAL SERVICES**

The firm recognizes two types of pro bono legal services, distinguished by the character of the representation and the amount of time for which the firm will allow credit. The first is Firm Pro Bono, for which hours may be recorded.

Although there is no limit on the amount of credit that will be given for firm pro bono representation, lawyers and legal assistants are expected to use the same sound judgment in recording time on a Firm Pro Bono matter as they would on a billable matter.

The second type of pro bono legal service is Individual Pro Bono. Firm attorneys may record up to 50 hours of credit per fiscal year for Individual Pro Bono representation.

There are no other categories of pro bono as defined by the firm.

**A. Firm Pro Bono**

Firm Pro Bono legal services for which hour-for-hours may be recorded include:

1. Legal services provided directly to an indigent person or to an organization that provides services to a clientele largely composed of indigent persons, where there is no expectation that a usual and customary fee will be paid.
2. Guardian ad litem appointments where no fee is paid.
3. Court appointments as a mediator or arbitrator, but only if at least one of the parties is indigent.

"Legal services" includes the kind of work that a lawyer normally does in representing clients, including the full range of legal specialties in which firm lawyers work. This includes transactional as well as litigation matters and further includes the provision of advice at walk-in clinics from which no further representation results.

This policy does not attempt to define indigent persons eligible for Firm Pro Bono services and in general the firm will not accept representation of persons unless they have been income-qualified by a legal service provider or some other organization that has applied guidelines to make that determination. The firm does not desire to make its own income determinations.

As a general rule, to qualify for Firm Pro Bono status, a legal matter should be referred to the Quarles & Brady lawyer by a recognized community or judicial organization that has established procedures for making such referrals. These include legal aid societies, legal service corporation agencies, federal and state courts and bar association-sponsored pro bono programs. Such referrals, however, are not an absolute requirement for qualification for such status. Legal matters from other sources will be considered on a case by case basis. This is especially true for transactional work which may be referred from sources other than those listed above.

Legal matters which do not fall within the above definition may also be considered for Firm Pro Bono status on a case by case basis. These matters may include the representation of individuals, groups or governmental organizations who seek to secure or protect civil rights, civil liberties or public rights, especially of the economically disadvantaged.

**B. Individual Pro Bono**

Individual Pro Bono legal services for which a maximum of 50 hours may be recorded per fiscal year include:

Legal services (as defined above) provided to charitable, religious, civic, community, governmental or educational organizations if the payment of legal fees would significantly burden the resources of the organization.

**In all cases, the Individual Pro Bono file, as the phrase implies, is for the exclusive use of the lawyer who opens the file. Other lawyers should not be asked to charge time to the Individual Pro Bono matter of another lawyer,** and in no instance should a paralegal be asked to provide pro bono services on an Individual Pro Bono file. However, an associate may and should ask a partner for supervision on an Individual Pro Bono Matter, and the partner in that instance may charge time to the file, labeling that time as "supervisory."

If a lawyer needs the assistance of another lawyer or a legal assistant on an Individual Pro Bono matter, he or she should open a parallel New Matter in the name of the client. This New Matter should be opened as a client billable matter and, therefore, the Client Relationship Lawyer will be expected to handle the charges entered on this matter in the same manner as any other legal matter, i.e., clearing the account by billing and/or write-off.

Although lawyers are limited to 50 hours of credit for Individual Pro Bono matters in any fiscal year, they are encouraged to continue to record time once the 50 hour limit has been reached. The firm reports all pro bono hours in the Pro Bono Challenge. Also, the hours in excess of 50 hours are available to the lawyer to determine how much pro bono representation he or she has undertaken.

C. If an associate accepts representation of a pro bono matter, it is the associate's responsibility to find a partner to supervise him or her. Under no circumstances should an associate not be supervised in pro bono representation.