

PROPOSED MODEL PRO BONO POLICY **FOR MONTANA LAW FIRMS**

I. Commitment to Pro Bono

An extraordinary need exists in this country for the provision of legal services for those unable to pay for them. Despite the generous contributions of many attorneys, the legal needs of the disadvantaged in Montana continue to go largely unmet. While many law firms undertake pro bono matters, many lack a formal written pro bono policy. The formal adoption of such a policy is critical in sending the message that this firm supports pro bono and encourages every attorney to render such service. We hereby adopt the following pro bono policy.

II. Pro Bono Defined

The foremost objective of our pro bono policy is to provide legal services to indigent or near-indigent members of our community and the non-profit organizations that assist them. The Montana Supreme Court has defined pro bono publico service under Rule 6.1 of the Montana Rules of Professional Conduct. That rule, in part, states:

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should render at least fifty (50) hours of pro bono legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the hours of the legal services without fee or expectation of a fee to (i) persons of limited means, or (ii) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means.

The rule goes on to discuss additional pro bono or reduced fee services to individuals, groups or organizations in matters in furtherance of their organizational purposes where the payment of standard fees would deplete the organization's resources or would otherwise be inappropriate.

Because the following activities, while meritorious, do not involve direct provision of legal services to the poor, the firm will not count them toward fulfillment of any attorney's goal to provide legal services to indigent persons or to non-profits that serve such person's needs: Participation in non-legal capacity in a community or volunteer organization; services to non-profit organizations with sufficient funds to pay for legal services as part of their normal expenses; client development work; non-legal service on the board of directors of a community or volunteer organization; bar association activities; and non-billable legal work for family members or friends who are not eligible to be pro bono clients under the above criteria. Pro bono service does not include fee generating matters which have become uncollectible or unsuccessful contingency matters.

In addition to direct services, the firm also encourages all staff to contribute financial support to organizations that provide services free of charge to persons of limited means.

III. Recognition of Pro Bono Service

The firm recognizes that the commitment to pro bono involves a personal expenditure of time. The firm strongly encourages and expects its attorneys to honor their professional responsibilities by providing pro bono services. Each attorney's efforts to satisfy this expectation will be considered in performance evaluations and compensation decisions. Pro bono work will be given equal consideration and reviewed according to the same standards as any other work. As with all client work there should be an emphasis on effective results for the client and the efficient and cost effective use of firm resources.

IV. Pro Bono Opportunities

Attorneys are encouraged to seek out pro bono matters that are of interest to them. The law firm encourages attorneys to take pro bono cases through organized local pro bono programs including Montana Legal Services. Such programs provide many benefits as well as opportunities including free CLE training, screening for income eligibility, case merit and mentoring, professional liability insurance and reimbursement for some disbursements.

V. Pro Bono Coordination and Administration

The firm shall designate a pro bono coordinator or pro bono committee whose responsibility it shall be for implementing and administering the firm's pro bono policies and procedures. These responsibilities include reviewing, accepting and/or rejecting pro bono legal projects, establishing firm income eligibility guidelines, and communicating pro bono opportunities available to attorneys and paralegals. Attorneys are encouraged to seek out pro bono matters that are of interest to them.

Pro bono legal services shall be directly provided by the individual lawyer and not be delegated or passed on to another lawyer in the firm. The lawyer shall keep track of all time spent providing pro bono services. The firm shall voluntarily report total annual pro bono hours expended to the state bar or other organization upon request.

Attorneys shall provide high quality representation to all clients regardless of their ability to pay. Pro bono projects will be given the same staffing, attention and resources as any other project. Pro bono matters are to be supervised by partners with the full resources of the firm available in support.

All pro bono legal matters will be opened in accordance with regular firm procedures including the utilization of a conflicts check and an engagement agreement. The firm encourages its attorneys to seek and obtain attorney fees in pro bono legal matters where permitted.