

MONTANA **FOURTH JUDICIAL DISTRICT**
PRO BONO POLICY

The judges of the Fourth Judicial District (the "Judiciary") establish this Judicial Standards and Pro Bono Policy to encourage pro bono activity, foster fairness in allocating pro bono work load and educate attorneys practicing in the Fourth Judicial District about pro bono as provided by Rule 6.1 of the Montana Rules of Professional Conduct.

General Judicial Policy for Pro Bono Program

- 1.1 The Judiciary finds it is a professional responsibility of attorneys to provide *pro bono* legal services to those unable to pay and in need of legal representation.
- 1.2 The Judiciary endorses the Western Area Bar Pro Bono Program ("The Program") and *strives to* enhance *the capacity to provide pro bono service* to community members and foster a positive institutional presence for The Program.
- 1.3 The Judiciary endorses and supports the Missoula Family Law Self-Help Law Center ("The Center") and encourages pro bono participation in the Center's work.
- 1.4 The Judiciary endorses *pro bono* work provided *to and* behalf of other programs *that provide the opportunity for pro bono service* as outlined in 2.1 below.
- 1.5 The Judiciary does not provide oversight for The Program or other program operations but serves in an advisory capacity in matters relative to the court.
- 1.6 Recruitment and *retention of pro bono attorneys is not a solicitation for* charity (Canon 25, Canons of Judicial Ethics). Unrepresented litigants delay court proceedings and do not efficiently use judicial resources. The Code of Judicial Conduct provides that judges are to serve the public interest through the administration of speedy and careful justice.
- 1.7 It is appropriate and desirable that the Judiciary acknowledge the work of volunteer lawyers in writing and at public and private functions honoring volunteer lawyers.

Pro Bono Defined

- 2.1 Every lawyer in this District 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 publico legal services per year. In fulfilling this obligation, the lawyer should:
- a. provide a substantial majority of these fifty (50) hours to:
 - 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.*
- 2.2 The Judiciary acknowledges that attorneys have personal commitments and activities outside of the legal profession. Unless those commitments and activities meet the guidelines outlined in 2.1, above, the work is not defined as *pro bono* per this Policy and does not absolve an attorney of the responsibility to provide the *pro bono* services.
- 2.3 Provision of legal services to or employment by non-profit, public interest, charitable, religious, civic, community or government organizations for which you receive a salary or other compensation which is not substantially reduced does not meet the *pro bono* standards as outlined in 2.1 above.
- 2.4 For the purposes of defining *pro bono* for Program participation, a client's failure to pay an attorney as agreed does not constitute *pro bono*. Rule 6.1 includes the provision "without expectation of fee."

Program Participation

- 3.1 The Judiciary encourages and supports that all attorneys in the Fourth Judicial District have equal responsibility to provide *pro bono* services as outlined in 2.1 above regardless of status or nature of employment, excepting those that are specifically prohibited by law, policy, rule or other compelling reasons.
- 3.2 There is a wide range of opportunities for attorneys who cannot participate in traditional representation cases and presumes no exception to *pro bono* participation to attorneys who would otherwise be positioned to participate in *pro bono activities*. Opportunities through the Program and the Center include but are not limited to screening, self-help guidance, advice-only clinics, mentoring, educational materials, program administration, settlement master or mediator among others.¹ The Judiciary welcomes

¹ See Preference Sheet

introduction of other *pro bono* opportunities that are within the scope of Rule 6.1.

- 3.3 Financial contributions are encouraged in addition to participation in The Program. An attorney compelled to financially contribute in lieu of participation *in the Program or other pro bono work* is urged to donate the equivalent of [50] billable hours.
- 3.4 Lack of participation by an attorney in The Program or other organized *pro bono* efforts will *not impact* judicial neutrality when *the attorney* appears before the bench.
- 3.5 The Judiciary recognizes that an attorney may temporarily be unable to provide *pro bono* services and anticipates requests to temporarily limit *pro bono* participation will be made to *The Program's* coordinator or committee.

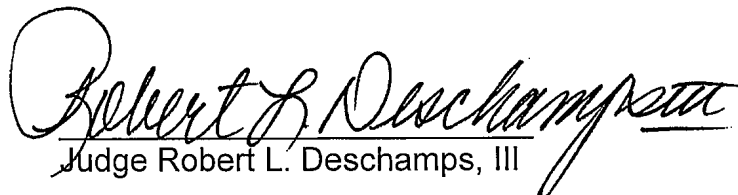
Liability and Malpractice Insurance

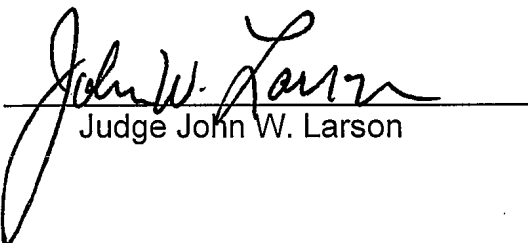
- 4.1 The Judiciary does not expect that an attorney will participate any *pro bono* program *without* adequate liability coverage unless *they* so choose. The Program can provide primary or secondary malpractice insurance for income eligible clients. Other programs, including the Center, a state-sponsored legal program, offer self-insured coverage to eligible volunteers. Volunteers should inquire directly with programs for information and policy regarding malpractice and liability coverage.

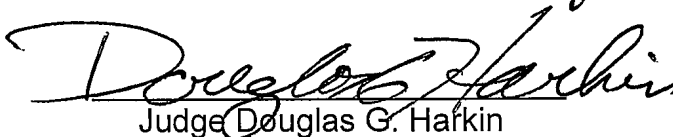
Resources, Training and Support

- 5.1 The Judiciary believes that support and training are essential to competent *pro bono* representation and will endeavor to participate *in* and *encourage* provision of adequate training, practice materials and support to Program volunteers including but not limited to mentors, continuing legal education programs, manuals, references and other materials that can facilitate *pro bono* representation.


Judge Ed McLean


Judge Robert L. Deschamps, III


Judge John W. Larson


Judge Douglas G. Harkin