

## **Louisiana Pro bono Toolkit**

### **What is “Pro bono” in Louisiana?**

Rule 6.1 of the Louisiana Rules of Professional Conduct suggests that every attorney in Louisiana should aspire to provide legal services to those unable to pay. A lawyer should seek to render at least (50) hours of pro bono publico legal services per year. In fulfilling this goal, attorneys are encouraged to provide legal services without fee to persons of limited means and to organizations addressing the needs of indigent Louisiana residents.

Members of the judiciary are exceptionally well-positioned to encourage attorneys to live up to their ethical obligation to do pro bono work. Judges are able to set a tone within the legal profession that pro bono is a central part of fulfilling the promise of justice for all.

### **Suggestions for Encouraging Pro bono**

1. **Thank volunteer lawyers.** Make positive comments about pro bono service and the importance of volunteering. Thank attorney for making the commitment.
  - a. Publicly recognize the contributions of pro bono attorneys at bar functions or in social settings – when others are present.
  - b. Attend pro bono award/recognition ceremonies held by pro bono organizations.
  - c. Make a special effort to thank attorneys who handle cases outside of their regular scope of practice.
  - d. Include a statement in the court’s annual report acknowledging the important contribution of attorneys who have handled cases pro bono.
2. **Refer litigants needing pro bono assistance.** Inform indigent litigants that they may receive assistance from a legal aid program or a pro bono program, or direct them to a self-help center if appropriate. For more information, visit the Louisiana State Bar

Association's website at <http://www.lsba.org/ATJ/probonoresources.asp> to find more information concerning legal aid programs.

3. **Assist with Training.** Volunteer to assist with or attend trainings produced by pro bono organizations, especially those for 1) new pro bono attorneys, 2) in practice areas where the need for volunteers is greatest (usually family law, landlord/tenant, etc.) but the subject matter is unfamiliar to the volunteers.
4. **Encourage pro bono work publicly.** During speaking engagements note the importance of pro bono services to the legal profession and to access to justice.
  - a. Encourage local and specialty bars to pass a resolution in favor of the Louisiana's aspiration pro bono rule which calls on all attorneys to donate at least 50 hours per year to indigent individuals and publicize the resolution in the local bar.
  - b. Encourage local government attorneys, such as District Attorneys and Public Defenders, to promote pro bono service among their staff attorneys.
  - c. Discuss with your colleagues the importance of pro bono lawyers and the good works they are doing.
  - d. Co-author articles in local bar journals (Around the Bar, The Promulgator, The Bar Review, etc.) with members of pro bono and public interest law firms on the importance of pro bono work.
  - e. Pen "Letters to the Editor" or "Op-Ed pieces" for local papers highlighting the legal needs gap and emphasizing how much lawyers are doing to help meet those needs, thus evidencing judicial support for public interest legal organizations, the pro bono work of the local bar and urging broader community support for these organizations.
  - f. Set an example for others by encouraging court employees to do pro bono work where and when appropriate.
  - g. Pen a letter from the court, for individual distribution or distribution through local bar publications, thanking attorneys who perform pro bono services.



- a. Hear pro bono cases first on the daily calendar.
  - b. Allow pro bono attorneys to attend routine hearings by conference call.
  - c. Every effort should be made to honor the pro bono counsel's scheduling requests, and the court should give latitude to pro bono counsels who make continuance requests.
8. **Assist in Recruiting Efforts.** Make presentations to law firms, corporate law departments and government offices about the need for volunteers and encourage services with the local pro bono or public interest organization.
9. **Designate a “Pro Bono Liaison Judge”** Designate a judge in each court to be the “pro bono liaison judge” who represents the judges of that court in interactions with outside entities regarding matters involving pro bono representation. The “pro bono liaison judge” should meet regularly with pro bono and legal service providers to discuss improving the level and quality of pro bono representation at the court.
10. **Support Pro Bono Fundraising:** Attend fundraising events organized by local pro bono and public interest legal organizations.
11. **Educate Clients and Attorneys:** Lawyers and litigants look to judges for guidance and approval, and they will pick up on subtle and not-so-subtle signals.
  - a. Make sure self-represented litigants you refer to a pro bono program understand the volunteer services of an attorney are not guaranteed and that there is no entitlement to pro bono services or civil right to an attorney. It is important that people realize this is a gift of the lawyer’s time, not a requirement on the part of the lawyer.
  - b. Make sure attorneys understand that pro bono services are those given without any expectation of compensation, as opposed to those matters the attorney handles without pay because the client is unable to or refuses to pay the bill.
  - c. Let attorneys know that you are aware of the practical problems they face and the commitment that they are making by volunteering their time.

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## Talking Points for Judges on Pro bono

### Introductory Remarks

- With the privilege of law practice comes the obligation to ensure that our system is accessible to the most vulnerable among us.
- By doing pro bono work, you are not only helping the vulnerable, you are also improving the administration of justice.

### Benefits to the Community

- Over 831,000 Louisiana citizens live below the federal poverty level according to the U.S. Census Bureau's SAIPE figures. It is estimated that approximately one quarter of them (207,750) will experience a legal problem each year, and an estimated 80% (or 166,200) will go without the help they need.
- The existing legal services programs are simply not able to fully meet the legal needs facing poor and low-income people throughout Louisiana.
- In 2013, federal funding for Louisiana legal services programs will be drastically reduced – possibly as much as 50%.
- Louisiana legal aid agencies in must turn away more than 50% of eligible prospective clients who need assistance each year. Those who receive assistance may not receive the level of service they require, and many get only brief advice and counsel.
- Louisiana Pro Bono programs support volunteers and provide assistance to facilitate attorneys working with poor and low-income clients.
- Pro bono work can help prevent homelessness, help women and children escape violent relationships, help foster parents adopt children, and bring hope of a better future and financial stability to poor and low-income people throughout Louisiana.

- Pro bono legal services also promote the peaceful resolution of problems by increasing access to the legal system.

### **Benefits to the Bar and to Attorney**

- Pro bono allows the courts to operate more efficiently and fairly.
- Pro bono work creates valuable networking opportunities.
- New attorneys can gain new areas of expertise and improve their legal skills.
- Experienced and retired attorneys can use their experience to mentor new attorneys and to explore new areas of practice.
- Pro bono attorneys may receive free CLE credit in trainings on public interest law topics.
- Pro bono improves public perception of the legal profession.

### **Many ways to do pro bono work**

- Pro bono opportunities are available for litigators, transactional attorneys, and mediators—for both new and experienced attorneys.
- There are varying levels of time commitments and opportunities for limited scope representation.
- Pro bono opportunities exist in all areas of civil law:
  - Advice and counsel clinics, hotlines and provision of legal information at court self-help centers;
  - Impact litigation and policy advocacy;
  - Community education and outreach;
  - Mediation of legal disputes; and
  - Transactional legal assistance to nonprofit organizations.

**Get involved**

- Get involved in your local bar association's pro bono program.
- Contact local pro bono, legal aid and other public interest legal services agencies.
- Work with your firm's pro bono manager/partner.
- Contact your court's self-help center.