

ATLANTA BAR ASSOCIATION LITIGATION SECTION **PRO BONO INITIATIVE**

Dear Litigation Section Member:

At its regular meeting on February 13, 2004, the Board of Directors of the Litigation Section of the Atlanta Bar Association approved a Pro Bono Initiative for the Section. A copy of the Initiative is attached. Each member of the Section is encouraged to participate in at least one *pro bono* matter through the course of the year. The American Bar Association Model Rule of Professional Conduct 6.1 recommends that a lawyer should aspire to render at least fifty (50) hours of *pro bono publico* legal services per year; the Litigation Section urges compliance with the Model Rule. Our goal in the first year of this initiative will be at least 100 *pro bono* matters by Section members.

The Litigation Section, in close cooperation with the Atlanta Legal Aid Society (ALAS) and the Atlanta Volunteer Lawyers Foundation (AVLF), will coordinate a Section-specific *pro bono* program comprised of the following volunteer opportunities:

- 1) The Saturday Lawyer Program
- 2) Guardian ad Litem Program
- 3) Grandparent Adoption Program
- 4) Domestic Violence Program
- 5) Individual case representation
- 6) Financial Contributions (section and individual).

We recognize that many section members already participate in significant *pro bono* efforts and thank them for their efforts. This Initiative seeks to encourage everyone to comply with their professional responsibility to provide legal services to those in our community of limited means. If you have any questions regarding the Initiative, please contact Robin Frazer Clark (404-873-3700 or rfclark2@bellsouth.net) or Rita Sheffey (404-888-4053 or rsheffey@hunton.com) or any other member of the Board.

Thanks!

Board of Directors
Litigation Section, Atlanta Bar Association

ATLANTA BAR ASSOCIATION LITIGATION SECTION **PRO BONO INITIATIVE**

MISSION STATEMENT

We, the members of the Atlanta Bar Association Litigation Section Board of Directors, believe that service to those in our community of limited means through *pro bono* representation in legal matters is of utmost value and importance in a free society and that *pro bono* representation is crucial to ensure equal justice to all in our civil justice system. We support and encourage all members of the Litigation Section to provide *pro bono* representation in the ordinary course of each member's practice to the poor and disenfranchised who cannot afford adequate legal assistance and should aid the legal profession in pursuing this commendable objective.

We, the members of the Atlanta Bar Association Litigation Section Board of Directors, in an effort to comply with this professional responsibility and to comply with the aspiration found in Rule 6.1 of the Georgia Rules of Professional Conduct (copy attached) of rendering at least fifty (50) hours of *pro bono* representation each year, seek to facilitate *pro bono* opportunities for the Section's membership and to provide financial support to the Atlanta Legal Aid Society and the Atlanta Volunteer Lawyers Foundation for the provision of legal services to persons of limited means.

We, the members of the Atlanta Bar Association Litigation Section Board of Directors, intend for this *pro bono* initiative to be ongoing and to expand over time. While we encourage participation and involvement in all types of *pro bono* service consistent with Georgia Rule 6.1, during the coming year, we encourage Section members to particularly participate in one or more of the following:

PROPOSAL FOR PRO BONO PARTICIPATION BY MEMBERS **OF THE ATLANTA BAR ASSOCIATION LITIGATION SECTION** **FEBRUARY 13, 2004**

Every member of the Section is encouraged to participate in *at least* one *pro bono* matter through the course of the year. The American Bar Association Model Rule of Professional Conduct 6.1 recommends that a lawyer should aspire to render at least fifty (50) hours of *pro bono publico* legal services per year; the Litigation Section urges compliance with the Model Rule. Our goal in the first year of this initiative will be at least 100 *pro bono* matters by Section members.

The Litigation Section, in close cooperation with the Atlanta Legal Aid Society (ALAS) and the Atlanta Volunteer Lawyers Foundation (AVLF), will coordinate a Section-specific *pro bono* program comprised of the following volunteer opportunities:

- 1) **The Saturday Lawyer Program**. The Saturday Lawyer Program is the largest and best known of the volunteer programs. As many as forty five times a year, teams of volunteer attorneys staff the Atlanta Legal Aid Society Downtown office to represent clients in a wide array of consumer, housing and other civil matters. Attorneys are assigned to clients who have been screened by AVLF and ALAS intake staff: an ALAS attorney is on site each Saturday for supervision, and a Saturday Lawyer manual is available for every attorney.

PROPOSAL: Section members will staff the Saturday Lawyer Program two (2) Saturdays each year. In addition, Section member volunteers will be placed on a stand-by list for other Saturdays throughout the year in the event a scheduled Saturday attorney develops a conflict. To volunteer for this program, contact Robin Frazer Clark at 404-873-3700 or rfclark2@bellsouth.net.

- 2) **Guardian ad Litem Program**: Fulton County Superior Court Family Division judges frequently request the assistance of Guardians ad Litem in circumstances of contested custody claims. AVLF selects Guardians from among those who have received the requisite eight hour training, and Daniel Bloom, AVLF Deputy Director and Family Division Judicial Officer, supervises the Guardian's efforts throughout the process. Serving as a Guardian includes interviewing parents, teachers, police and others in the community to determine what living arrangement will be in the best interest of the child (ren) in question. A written report is submitted to the Judge with recommendation. Attorneys and paralegals frequently pair to serve as a Guardian team. AVLF provides an eight-hour CLE-approved training for all who will participate.

PROPOSAL: Section members will volunteer to participate as Guardians ad Litem as interested and available to do so. To volunteer for this program, contact AVLF at 404-521-0790 and identify yourself as a member of the Litigation Section.

- 3) **Grandparent Adoption Program**: The Grandparent/Relative Caregiver Project at ALAS assists relatives, primarily grandparents, who are raising minor children. Volunteer attorneys work with the family to finalize the adoption of the children. Handling an adoption case usually involves meeting with the clients, preparing pleadings, and handling the hearing on the adoption. The primary goal of the project is to stabilize the legal relationship between the relative caregiver and the child(ren). An additional goal is to maximize financial, medical, and educational resources available to assist the relative in caring for the child(ren). Sherry Neal, the Project's Director and Staff Attorney with the Family Law Unit at ALAS, provides ongoing guidance and assistance for volunteers as well as resource information for clients. ALAS provides a comprehensive half-day training that walks volunteers through the relative adoption process. CLE credit is usually available for the training.

PROPOSAL: Section members will volunteer to handle adoption cases as interested and available to do so. To volunteer for this program, contact Sherry Neal at ALAS at 404-614-3953 and identify yourself as a member of the Litigation Section.

- 4) **Domestic Violence Program:** Under the direction of an AVLF staff attorney, volunteers represent victims of domestic violence seeking court-ordered protection. Volunteers staff the Fulton County Solicitor’s office and the Family Law Information Center office three days a week to interview victims, to help them secure thirty-day and six-month protective orders, to direct them to on-site counseling and to assess other legal needs that may grow from the incidences of violence. Attorneys and legal assistants may act as advocates in this program. AVLF provides a three-hour CLE-approved training for all who will participate.

PROPOSAL: Section members will volunteer to participate as Domestic Violence advocates as interested and available to do so. To volunteer for this program, contact AVLF at 404-521-0790 and identify yourself as a member of the Litigation Section.

- 5) **Individual case representation:** ALAS and AVLF receive more than 40,000 calls each year for legal assistance. Each program screens calls for geographic, financial and subject matter eligibility, then place matters as possible with ALAS staff attorneys and with volunteer attorneys. AVLF publishes a Weekly Report that lists cases that have not otherwise been placed and need a volunteer lawyer’s assistance.

PROPOSAL: The AVLF Weekly Report will be distributed to every member of the Section, and Section members are encouraged to volunteer for cases as interested available to do so. To volunteer for one of the cases in the Weekly Report, contact AVLF at 404-521-0790 and identify yourself as a member of the Litigation Section.

In addition, the Board of Directors of the Atlanta Bar Association Litigation Section has committed to raise money from Section members and to contribute from the Section budget to ALAS and AVLF to support their provision of *pro bono* legal services. In 2004, we have committed to match 50% of two below-referenced Lawyers Foundation of Georgia grants received by AVLF and ALAS from Section funds, encouraging individual members to contribute as well:

AVLF	\$4,500	Domestic Violence - Representation of victims of domestic violence to obtain Temporary Protective Orders.
ALAS	\$2,000	Team Child - Representation of children in the juvenile justice system to meet their educational needs.

To contribute to AVLF or ALAS, please make your check payable either to AVLF or to ALAS (only one name per check) and forward to Rita Sheffey at Hunton & Williams LLP, Suite 4100 Bank of America Plaza, 600 Peachtree Street, N.E., Atlanta, GA 30308.

Next year, we will report on the level of participation by Section members, and reevaluate the program for the following year. We also will give an award to the Section member whom the Litigation Section Board of Directors determines to have been the most active volunteer through one or more of the Section sponsored *pro bono* programs.

Please contact Robin Frazer Clark [404-873-3700 or rfclark2@bellsouth.net] or Rita Sheffey [404-888-4053 or rsheffey@hunton.com] with any questions.

Approved this 13th day of February, 2004, by the undersigned officers and members at large of the Board of Directors of the Atlanta Bar Association Litigation Section.



David N. Schaeffer, Chair



Lynn M. Roberson, Vice Chair/Chair-Elect



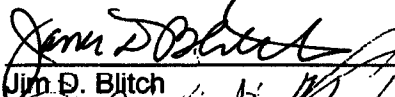
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J. Scott Jacobson, Immediate Past Chair



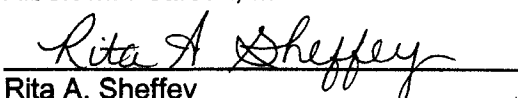
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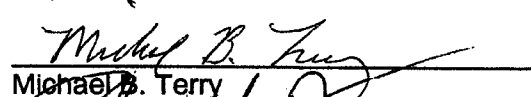
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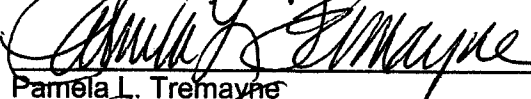
Albert M. Pearson, III



Rita A. Sheffey



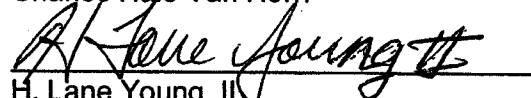
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Georgia Rules of Professional Conduct

Handbook

RULE 6.1 VOLUNTARY PRO BONO PUBLICO SERVICE

A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial portion of the (50) hours of legal services without fee or expectation of fee to:

- (1) persons of limited means; or
- (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

- (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
- (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
- (3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

No reporting rules or requirements may be imposed without specific permission of the Supreme Court granted through amendments to these Rules.

There is no disciplinary penalty for a violation of this Rule.

Comment

[1] Every lawyer, regardless of professional prominence or professional work load, has a responsibility to provide legal services to those unable to pay, and personal involvement

in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. The American Bar Association urges all lawyers to provide a minimum of 50 hours of pro bono services annually. States, however, may decide to choose a higher or lower number of hours of annual service (which may be expressed as a percentage of a lawyer's professional time) depending upon local needs and local conditions. It is recognized that in some years a lawyer may render greater or fewer hours than the annual standard specified, but during the course of his or her legal career, each lawyer should render on average per year, the number of hours set forth in this Rule. Services can be performed in civil matters or in criminal or quasi-criminal matters for which there is no government obligation to provide funds for legal representation, such as post-conviction death penalty appeal cases.

[2] Paragraphs (a)(1) and (2) recognize the critical need for legal services that exists among persons of limited means by providing that a substantial majority of the legal services rendered annually to the disadvantaged be furnished without fee or expectation of fee. Legal services under these paragraphs consist of a full range of activities, including individual and class representation, the provision of legal advice, legislative lobbying, administrative rule making and the provision of free training or mentoring to those who represent persons of limited means. The variety of these activities should facilitate participation by government lawyers, even when restrictions exist on their engaging in the outside practice of law.

[3] Persons eligible for legal services under paragraphs (a)(1) and (2) are those who qualify for participation in programs funded by the Legal Services Corporation and those whose incomes and financial resources are slightly above the guidelines utilized by such programs but who nevertheless cannot afford counsel. Legal services can be rendered to individuals or to organizations such as homeless shelters, battered women's centers and food pantries that serve those of limited means. The term "governmental organizations" includes, but is not limited to, public protection programs and sections of governmental or public sector agencies.

[4] Because service must be provided without fee or expectation of fee, the intent of the lawyer to render free legal services is essential for the work performed to fall within the meaning of paragraphs (a)(1) and (2). Accordingly, services rendered cannot be considered pro bono if an anticipated fee is uncollected, but the award of statutory lawyers' fees in a case originally accepted as pro bono would not disqualify such services from inclusion under this section. Lawyers who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.

[5] While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono services exclusively through activities described in paragraphs (a)(1) and (2), to the extent that any hours of service remain unfulfilled, the remaining commitment can be met in a variety of ways as set forth in paragraph (b). Constitutional, statutory or regulatory restrictions may prohibit or impede government and public sector lawyers and judges from performing the pro bono services outlined in paragraphs (a)(1) and (2). Accordingly, where those restrictions apply, government and public sector lawyers and judges may fulfill their pro bono responsibility by performing services outlined in paragraph (b).

[6] Paragraph (b)(1) includes the provision of certain types of legal services to those whose incomes and financial resources place them above limited means. It also permits the pro bono lawyer to accept a substantially reduced fee for services. Examples of the types of issues that may be addressed under this paragraph include First Amendment claims, Title VII claims and environmental protection claims. Additionally, a wide range of organizations may be represented, including social service, medical research, cultural and religious groups.

[7] Paragraph (b)(2) covers instances in which lawyers agree to and receive a modest fee for furnishing legal services to persons of limited means. Participation in judicare

programs and acceptance of court appointments in which the fee is substantially below a lawyer's usual rate are encouraged under this section.

[8] Paragraph (b)(3) recognizes the value of lawyers engaging in activities that improve the law, the legal system or the legal profession. Serving on bar association committees, serving on boards of pro bono or legal services programs, taking part in Law Day activities, acting as a continuing legal education instructor, a mediator or an arbitrator and engaging in legislative lobbying to improve the law, the legal system or the profession are a few examples of the many activities that fall within this paragraph.

[9] Because the provision of pro bono services is a professional responsibility, it is the individual ethical commitment of each lawyer. Nevertheless, there may be times when it is not feasible for a lawyer to engage in pro bono services. At such times a lawyer may discharge the pro bono responsibility by providing financial support to organizations providing free legal services to persons of limited means. Such financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided. In addition, at times it may be more feasible to satisfy the pro bono responsibility collectively, as by a firm's aggregate pro bono activities.

[10] Because the efforts of individual lawyers are not enough to meet the need for free legal services that exists among persons of limited means, the government and the profession have instituted additional programs to provide those services. Every lawyer should financially support such programs, in addition to either providing direct pro bono services or making financial contributions when pro bono service is not feasible.

[11] The responsibility set forth in this Rule is not intended to be enforced through disciplinary process.

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