



SECTION 2:

PRO BONO BASICS

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What Constitutes Pro Bono Work?

I. Official Definition

While there are various definitions throughout the country of what constitutes pro bono, the Illinois Supreme Court has recently adopted a reporting requirement for pro bono legal services and qualified monetary contributions in which the Court has defined pro bono for purposes of this Rule.

Illinois Supreme Court Rule 756(f) defines pro bono as legal services without charge or expectation of a fee to persons of limited means; legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means; legal services to charitable, religious, civic or community organizations in furtherance of their organizational purpose; or training intended to benefit legal aid organizations or lawyers who provide pro bono services.

The Illinois definition is based in part on [Model Rule 6.1](#) of the American Bar Association's Model Rules of Professional Conduct, which provides that all lawyers should render public interest legal service.

II. Examples of Pro Bono Work

The types of engagements that qualify as bona fide pro bono work are varied and countless. Examples include:

- Representing an indigent client in a landlord-tenant dispute;
- Counseling a not-for-profit organization on tax matters;
- Developing and presenting a training session on a substantive law topic for pro bono attorneys; and
- Making financial contributions to help fund a legal clinic which serves persons of limited means.

III. Activities That Do Not Qualify as Pro Bono Work

Not all charitable activities qualify as pro bono work. Examples of activities that do not constitute pro bono work include:

- Serving on the board of a school district where the lawyer does not act as the district's pro bono legal counsel;
- Offering discounted fees to clients;
- Attending continuing education seminars; and
- Fundraising for organizations.

IV. Dispelling Myths About Pro Bono Opportunities

Some people think that pro bono work only means representing a poor person in a litigation matter. However, many attorneys regularly engage in pro bono services on a wide variety of transactional matters as well. There is a broad range of case types and legal matters for which pro bono attorneys are needed. Lawyers should be encouraged to devote their pro bono hours and contributions to matters and causes in which they have a personal interest or commitment.

Illinois Supreme Court Pro Bono Reporting Rule

I. Background

In 2006, the Illinois Attorney Registration and Disciplinary Commission (ARDC) implemented a pro bono reporting requirement for attorneys licensed in Illinois. According to the Committee Comments to the amended Rule 756(f), the report is intended to serve as an annual reminder to Illinois lawyers that pro bono legal service is an integral part of a lawyer's professionalism. Excerpts from the Rule follow this article.

II. Summary of the New Rule

Rule 756(f) requires all attorneys licensed in Illinois to report, in connection with the attorney's annual ARDC registration, pro bono legal services provided and qualified monetary contributions made during the preceding 12 months.

Pro bono legal services include legal services without charge or expectation of a fee (a) to a person of limited means; (b) to an organization designed to address the needs of persons of limited means; (c) to certain charitable, religious, civic, or community organizations; and (d) pro bono training intended to benefit legal service organizations or lawyers who provide pro bono services. According to Rule 756(f), "persons of limited means" are not only those persons with household incomes below the federal poverty standard but also those persons frequently referred to as the "working poor."

The Rule also encourages attorneys to make monetary contributions to an organization that provides legal services to persons of limited means or that contributes financial support to such an organization.

III. Compliance with Rule 756(f)

The new reporting requirement consists of two questions that have been added to the annual Illinois ARDC registration form. All attorneys must respond to both questions, even if they did not perform any pro bono work or make a qualified monetary contribution in the preceding 12 months.

Question 1: Pro Bono Legal Services.

- Attorneys who did *not* perform any pro bono work in the preceding 12 months should check the "No" box on Question 1 and state whether the attorney is prohibited from providing legal services because of his or her employment.
- Attorneys who did perform pro bono work in the preceding 12 months should check the "Yes" box on Question 1 and identify the number of hours within each category of legal services listed.

Question 2: Monetary Contributions.

- Attorneys who did *not* make a monetary contribution to an organization that provides legal services to persons of limited means or that contributes money to such an organization should check the "No" box on Question 2.
- Attorneys who did make a monetary contribution within the preceding 12 months should check the "Yes" box and identify the approximate amount of the contribution.

IV. Penalty for Noncompliance

An attorney's failure to report the required information will result in an attorney's name being removed from the master roll of licensed attorneys in Illinois.

Amended Supreme Court Rule 756

(In Pertinent Part)

(f) Disclosure of Voluntary Pro Bono Service. As part of registering under this rule, each lawyer shall report the approximate amount of his or her pro bono legal service and the amount of qualified monetary contributions made during the preceding 12 months.

(1) Pro bono legal service includes the delivery of legal services or the provision of training without charge or expectation of a fee, as defined in the following subparagraphs:

(a) legal services rendered to a person of limited means;

(b) legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(c) legal services to charitable, religious, civic, or community organizations in matters in furtherance of their organizational purposes; and

(d) training intended to benefit legal service organizations or lawyers who provide pro bono services.

In a fee case, a lawyer's billable hours may be deemed pro bono when the client and lawyer agree that further services will be provided voluntarily. Legal services for which payment was expected, but is uncollectible, do not qualify as pro bono legal service.

(2) Pro bono legal service to persons of limited means refers not only to those persons whose household incomes are below the federal poverty standard, but also to those persons frequently referred to as the "working poor." Lawyers providing pro bono legal service need not undertake an investigation to determine client eligibility. Rather, a good-faith determination by the lawyer of client eligibility is sufficient.

(3) Qualified monetary contribution means a financial contribution to an organization as enumerated in subparagraph (1)(b) which provides legal services to persons of limited means or which contributes financial support to such an organization.

(4) As part of the lawyer's annual registration fee statement, the report required by subsection (f) shall be made by answering the following questions:

(a) Did you, within the past 12 months, provide any pro bono legal services as described in subparagraphs (1) through (4) below? ___ Yes ___ No

If no, are you prohibited from providing legal services because of your employment? ___
Yes ___ No

If yes, identify the approximate number of hours provided in each of the following categories where the service was provided without charge or expectation of a fee:

(1) hours of legal services to a person/persons of limited means;

(2) hours of legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(3) hours of legal services to charitable, religious, civic or community organizations in furtherance of their organizational purposes; and

(4) hours providing training intended to benefit legal service organizations or lawyers who provide pro bono services. Legal services for which payment was expected, but is not collectible, do not qualify as pro bono services and should not be included.

(b) Have you made a monetary contribution to an organization which provides legal services to persons of limited means or which contributes financial support to such organization? ___ Yes ___ No

If yes, approximate amount: \$_____.

(5) Information provided pursuant to this subsection (f) shall be deemed confidential pursuant to the provisions of Rule 766, but the Commission may report such information in the aggregate.

(g) Removal from the Master Roll. On February 1 of each year the Administrator shall remove from the master roll the name of any person who has not registered for that year. A lawyer will be deemed not registered for the year if the lawyer has failed to provide trust account information required by paragraph (d) of this rule or if the lawyer has failed to provide information concerning malpractice coverage required by paragraph (e) or information on voluntary pro bono service required by paragraph (f) of this rule. Any person whose name is not on the master roll and who practices law or who holds himself or herself out as being authorized to practice law in this State is engaged in the unauthorized practice of law and may also be held in contempt of the court.

The complete amended Rule is available at <http://www.state.il.us/court/SupremeCourt/Rules/Amend/2006/061406.pdf>.

Why Do Pro Bono Work?

I. Professional Obligation

It is our ethical obligation as attorneys in Illinois to provide pro bono assistance to persons in need of legal services who cannot afford them and for law firms to support their lawyers in this work.

The preamble to the Supreme Court of Illinois Rules of Professional Conduct provides, in pertinent part, as follows:

It is the responsibility of those licensed as officers of the court to use their training, experience and skills to provide services in the public interest for which compensation may not be available. It is the responsibility of those who manage law firms to create an environment that is hospitable to the rendering of a reasonable amount of uncompensated service by lawyers practicing in that firm. An individual lawyer's efforts in these areas is evidence of the lawyer's good character and fitness to practice law.

The Chicago Bar Association also has a standing resolution, updated and reaffirmed in October 2008, that attorneys should contribute 50 hours of pro bono or make a \$250 contribution or the equivalent of two billable hours to support the legal aid system, or some combination thereof.

Building on the previous Pro Bono Statement of Principles established by the Public Interest Law Initiative (PILI), The Chicago Bar Foundation (CBF) has also developed the CBF Law Firm Leadership Circle and an accompanying comprehensive statement of principles for law firms. These Principles were developed to embody best practices for firms and related issues and to underscore the critical role that Chicago law firms play in ensuring equal access to justice in our community.

II. Recruiting and Retention; Firm Morale

Competition for legal talent, whether at the summer associate, recent law school graduate, or lateral attorney level, can be intense. Firms with active pro bono programs enjoy a competitive advantage with many potential new firm attorneys, particularly when a new attorney may be deciding between firms with substantially similar or even identical salary structures. Entry level associates, in particular, are interested in and frequently ask about a firm's commitment to its pro bono program as part of the interview process.

In today's environment, attorneys are more mobile than at any time in the past with nearly 20 percent of associates leaving law firms each year. The costs of replacing departing attorneys are high (often involving recruitment fees and training expenses) and the time involved in transitioning a new attorney is substantial. A strong pro bono culture can contribute to a positive office environment and, in turn, strengthen attorney loyalty to the firm.

Finally, a successful pro bono program can provide opportunities for lawyers to work together as a team. Pro bono victories and awards can be shared with the entire office, fostering a sense of pride and accomplishment among attorneys and staff.

III. Training and Professional Development

Pro bono projects can be used as training vehicles to provide a wide variety of high quality skills training at a much lower cost than might otherwise be provided through client-paying work. Through pro bono work, junior attorneys may try cases and gain substantial client contact earlier in their career. With adequate supervision, junior attorneys can be afforded greater autonomy in a pro bono matter, offering meaningful work experience and accelerated professional development opportunities that benefit both the individual attorney and the employer.

IV. Firm Marketing

Pro bono is an effective marketing tool that can provide a firm or corporation with positive publicity, heightened visibility, improved client relationships, and evidence of good corporate citizenship. Several local and national organizations such as PILI, the Pro Bono Institute, *American Lawyer Magazine* and the ABA Center for Pro Bono set pro bono goals and recognize those law firms and individual attorneys who meet or exceed those goals.

V. Unmet Legal Needs

The most obvious and compelling reason to perform pro bono work is the need to address the gap between the millions of persons who need assistance but cannot afford or obtain it, and the limited resources available to meet those needs through legal service organizations. The assistance provided by volunteer attorneys is critical, as there are just over 300 legal aid attorneys to serve all of Illinois.

THE CHICAGO BAR ASSOCIATION PRO BONO RESOLUTION

Updated and Reaffirmed by the CBA Board of Managers on October 16, 2008

WHEREAS, equal access to justice is central to our democratic society, integral to the effective functioning of our justice system, and a critical part of the safety net for vulnerable members of our community; and

WHEREAS, a recent statewide legal needs study sponsored by The Chicago Bar Association, The Chicago Bar Foundation and other bar groups found that tens of thousands of less fortunate individuals continue to lack access to legal assistance that is often critical to their safety and independence, forcing them to resolve complex legal problems on their own, including domestic violence, divorce, child custody, evictions, mortgage foreclosures and the physical and financial abuse of the elderly; and

WHEREAS, there are fewer than 300 legal aid attorneys to serve the Chicago area's more than one million low-income residents; and

WHEREAS, while thousands of attorneys in Illinois have made a laudable commitment to providing pro bono services and making financial contributions to legal aid organizations, the study demonstrates that a huge unmet need for legal assistance remains for the low-income and disadvantaged Chicagoans who are in the most critical need of the protections of our legal system; and

WHEREAS, Illinois Supreme Court Rule 756 (f) underscores that lawyers have a special professional obligation to ensure that our justice system is accessible to everyone; and

WHEREAS, The Chicago Bar Association is committed to increasing pro bono legal services and funding for the legal aid system through its charitable affiliate, The Chicago Bar Foundation; and

WHEREAS, increased pro bono services and financial contributions to the pro bono and legal aid system can significantly expand the availability of legal services for low-income persons.

THEREFORE, it is resolved by The Chicago Bar Association that:

1. The Chicago Bar Association formally reaffirms its commitment and resources to increasing pro bono legal services for low-income and disadvantaged residents in the Chicago area and financial contributions to the legal aid system; and
2. The Chicago Bar Association adopts a suggested standard for each of its members (other than members employed as staff attorneys for legal aid organizations or by government agencies that are prohibited from performing other legal services) to perform or support pro bono legal services by taking the following actions:
 - a. Participate for a minimum of 50 hours in pro bono activities consistent with Illinois Supreme Court Rule 756 (f) which include providing without fee or expectation of fee:
 - i. Legal services to a person of limited means;
 - ii. Legal services to an organization designed to address the needs of persons of limited means;
 - iii. Legal services to charitable, religious, civic or community organizations in furtherance of their organizational purposes; and
 - iv. Pro bono training intended to benefit legal aid organizations or lawyers who provide pro bono services; and

- b. Contribute a minimum of \$250 or the equivalent of two billable hours, whichever is greater, per year to support the legal aid system by contributing to 1) the CBA's charitable affiliate, The Chicago Bar Foundation, which provides grants and other support to legal aid and pro bono organizations in the Chicago area; 2) an organization which has as its principal purpose the provision of free or low-cost legal services to low-income and disadvantaged residents of the Chicago area; and/or (3) an organization which provides free or low-cost legal services to nonprofit organizations addressing the needs of low-income persons; and
 - c. Support advocacy efforts at the federal, state, and local levels dedicated to ensuring adequate funding for legal aid and access to justice.
- 3. Each CBA member employed as a staff attorney of a legal aid organization or by a government agency or the judiciary should cooperate with and facilitate pro bono service by attorneys.
- 4. The Chicago Bar Association will continue to offer a Pro Bono Support Program through The Chicago Bar Foundation to assist CBA members with questions about how to satisfy this resolution.

The Chicago Bar Foundation Law Firm Leadership Circle Statement of Principles

While lawyers and law firms support a variety of charitable initiatives, lawyers have a special professional responsibility to ensure that everyone has access to our justice system. Fulfilling this responsibility requires contributions of time and money as well as a strategic use of the influence that lawyers and law firms have in our community. The Chicago Bar Foundation, through its Managing Partners Advisory Committee, has established the CBF Law Firm Leadership Circle and an accompanying statement of principles to underscore the critical role that law firms in Chicago play in ensuring equal access to justice in our community.

These principles and the rationale behind each of them are detailed in the accompanying documents. In summary, to be a part of the CBF Law Firm Leadership Circle, firms must make the commitments set forth below. (As reflected in the chart below and explained in the accompanying documents, higher levels of pro bono and financial commitment can qualify a firm for the Gold or Platinum levels in the Leadership Circle).

1. Adopt policies encouraging each attorney in the firm to do at least 35 hours of pro bono work each year;
2. Advocate for adequate legal aid funding from the IOLTA program; federal, state and local government; and cy pres awards;
3. Provide in-kind marketing, training and administrative support for legal aid agencies;
4. Provide firm financial support for legal aid organizations serving the Chicago area in an amount equivalent to at least \$300 per lawyer in the firm's Chicago office each year;
5. Participate in the annual CBF Investing in Justice Campaign and match contributions from individual attorneys in whole or in part; and
6. Strive to support Public Interest Law Fellowships, Rotations and Internships.

	Annual Firm Contribution	Annual Pro Bono Aspirational Commitment	Investing in Justice Campaign	Other Leadership Circle Commitments
Silver	\$300 or more per atty	35 hours or more per atty	X	X
Gold	\$600 or more per atty	50 hours or more per atty	X	X
Platinum	\$1,000 or more per atty	50+ hours per atty	X	X

[View the entire packet including background information and frequently asked questions regarding the CBF Law Firm Leadership Circle and Statement of Principles.](#)

Statement of Principles for The Chicago Bar Foundation Law Firm Leadership Circle

As a profession, lawyers have a special responsibility to ensure that everyone has access to our justice system. Fulfilling that responsibility requires contributions of time and money as well as a strategic use of the influence lawyers have in our community. By committing to this Statement of Principles and becoming part of **The Chicago Bar Foundation Law Firm Leadership Circle**, law firms demonstrate their leadership and make a critical investment in the future of our profession and our system of justice.

1. **Provide Financial Support for Pro Bono, Legal Aid and Access to Justice**
 - We will make financial support for legal aid and related access to justice initiatives a priority within our firm's overall charitable giving.
 - Specifically, our firm will annually contribute a combined amount equal to at least \$300 per attorney in our Chicago office to support legal aid and public interest law organizations serving the Chicago area. Recognizing that this is a minimum threshold that many firms already exceed, our firm will aspire to contribute at higher levels, with the **Gold** (\$600 per attorney) and **Platinum** (\$1000 per attorney) giving levels as aspirational goals.
 - Above and beyond the firm's other contributions, we also will participate in The Chicago Bar Foundation's annual *Investing in Justice Campaign*; encourage lawyers in the firm to contribute to the *Campaign*; and match, in whole or in part, *Campaign* contributions from individual lawyers in the firm.
2. **Adopt Written Policies and Practices to Encourage and Support Pro Bono Work**
 - We will adopt and periodically distribute written policies that encourage each attorney in the firm to provide pro bono legal services, adopt practices that encourage our lawyers to do pro bono work, and provide our lawyers with credit for compensation and/or advancement purposes for pro bono work.
 - Specifically, our firm will encourage each lawyer in the firm to devote at least 35 hours per year to pro bono work. Recognizing that this is a minimum threshold that many firms already exceed, our firm will consider policies with higher hourly targets for pro bono work, with the **Gold** (50 hours or more per attorney) and **Platinum** (50+ hours per attorney) levels as aspirational goals.
 - We will consider a full-time attorney position devoted to leading and coordinating the firm's pro bono and public interest activities, or adopt an alternative structure that underscores the firm's commitment to pro bono and provides meaningful support to our attorneys for pro bono work.
3. **Adopt Additional Policies and Practices to Support Legal Aid and Access to Justice**
 - a. **Maximize Income from the Firm's IOLTA Accounts**
 - We will maximize the use of *IOLTA* accounts within the firm in accordance with the Illinois Supreme Court Rules and advocate with our bank(s) to maximize interest rates payable on these accounts.
 - b. **Advocate for Adequate Government Funding for Legal Aid and Access to Justice**
 - We will support advocacy efforts at the federal, state, and local levels dedicated to ensuring adequate funding for legal aid and access to justice.
 - c. **Promote Cy Pres Awards for Pro Bono, Legal Aid, and Access to Justice**
 - We will encourage our attorneys to advocate for cy pres awards to go to support pro bono, legal aid, and access to justice initiatives.
 - d. **Provide Marketing, Training and Administrative Support for Legal Aid and Public Interest Law Organizations**

- To the extent practicable, we will make approved CLE programs available to legal aid and public interest attorneys; provide marketing, administrative and legal support for legal aid and public interest law organizations; host meetings and events for these organizations; and encourage the firm's vendors to provide pro bono support to these organizations.

e. Support Public Interest Law Internships, Fellowships and Rotations

- We will support *Public Interest Law Initiative (PILI)* Fellowships and strive to sponsor at least one *PILI* Internship each year.
- We will consider adopting paid rotation programs that allow our attorneys up to one year working at a local legal aid or public interest law organization.
- We will consider sponsoring public interest law fellowships through Equal Justice Works or similar programs.

Our firm commits to this Statement of Principles for The Chicago Bar Foundation Law Firm Leadership Circle.

Firm: _____

Signed: _____

Name (print) and Title: _____

Date: _____

(Optional)

Our Firm Commits to Meeting the Criteria for the Gold Level of the Leadership Circle _____

Our Firm Commits to Meeting the Criteria for the Platinum Level of the Leadership Circle _____

For more information about the Law Firm Leadership Circle and Statement of Principles, please contact CBF Executive Director Bob Glaves at (312) 554-1205 or bglaves@chicagobar.org.