

Pro Bono Talking Points

NOTE: These talking points are intended for judicial officers to use when speaking to groups of attorneys at events such as swearing-in ceremonies, local bar meetings, and pro bono recognition gatherings. We hope they are helpful to you in preparing your remarks and tailoring them to your audience and available time. You can find more information and a sample PowerPoint presentation in the online Pro Bono Toolkit at <http://www.courts.ca.gov/partners/56.htm>.

- **Introductory remarks**

- As lawyers, you are members of an honorable profession, with a proud history of pro bono legal services. 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.
- Systems have been put in place across the state to facilitate pro bono service. These systems—offered by pro bono organizations, legal services programs, local bar associations, and court-based self-help centers—make it easy for you to volunteer by:
 - Offering training;
 - Connecting you with individuals in need who have already been interviewed to determine their legal issues and financial eligibility; and
 - Helping with the necessary follow-up to ensure quality services for that client.

- **Here's how your services can help our community:**

- Every time a pro bono lawyer is able to help a domestic violence victim, it can prevent serious injury, save lives, prevent costly county medical expenses, and alleviate already clogged courts and overworked law enforcement agencies.
- When a pro bono lawyer helps keep a family in their home, it prevents them from becoming homeless and from creating an additional demand on shelters and other charitable and municipal services.
- When a pro bono lawyer helps prevent workers from wrongfully losing their jobs or from being denied earned wages, it allows for individuals to put food on their tables and pay their rent or mortgage.
- When a pro bono lawyer helps keep a child in school, truancy and juvenile crime are reduced, saving court time and reducing the costs of incarceration.
- When a pro bono lawyer helps a senior remain in his or her home with supportive care, the much higher cost associated with full nursing home care is avoided.
- When a pro bono lawyer helps create a guardianship, it achieves the result of protecting the child, without the child going through the dependency system, thus easing the burden on both the courts and the county.

Pro Bono Talking Points

- **Limited capacity of legal aid**

- Legal Services programs, also known as Legal Aid, are non-profit law firms providing legal representation, advice, and policy advocacy work.
- Legal aid programs primarily serve clients with annual incomes of less than 125% of the federal poverty limit. In 2014, a household of four had to have annual earnings of less than \$29,813 to qualify for legal aid's help.
- In 2011, close to 7 million Californians had annual incomes of less than 125% of the federal poverty limit. There are simply not enough legal aid attorneys to assist all of these families.
- Legal aid programs receive the bulk of their funding from The Legal Services Corporation (or LSC), the Interest on Lawyers Trust Accounts (also known as IOLTA), and The Equal Access Fund.
- In 2008, Federal interest rates suddenly plummeted to nearly zero, reducing the IOLTA funding stream from about \$22 million to a 2014 estimate of less than \$5 million annually. As a result, most programs instituted hiring freezes while some were forced to lay off staff.
- Although the federal government has increased LSC funding over the last decade, this funding has not kept up with inflation nor with population increases.
- Because they are under-resourced, Legal aid agencies in California must turn away more than two-thirds of eligible prospective clients who need assistance each year. The one-third who do get assistance do not necessarily receive the level of service they require, and many get only brief advice and counsel.

- **Limited capacity of court-based Self-Help Centers**

- Judicial Officers constantly see vulnerable low-income families and seniors attempting to handle their own serious legal matters. We are pleased that all of our superior courts now have self-help centers to help with serious family law matters. But the centers are understaffed, and there will always be individuals who need a lawyer to provide more than self-help assistance.
- Currently, over 1.2 million Californians seek assistance annually from the Family Law Facilitators and court-based Self-Help Centers. The majority of these Californians are trying to address fundamental concerns of family law, housing, and guardianship of children, interpersonal violence and consumer matters.
- 75% of Facilitator and Self-Help Center users report having jobs, yet still cannot afford to hire attorneys.

- **Pro bono service is a lawyer's duty**

- Pro bono work serves the administration of justice
- Pro bono ensures meaningful access to justice to millions who need legal representation but cannot afford it.
- It improves public perception of the legal profession.
- It helps the courts operate more efficiently and effectively.

Pro Bono Talking Points

- **Pro bono service makes business sense for attorneys, from large firms to small firms and solo practitioners**
 - Law firm corporate clients are interested in evidence of their lawyers' corporate social responsibility.
 - Annual law firm rankings in publications such as *The American Lawyer* have had a positive impact on firms' pro bono practices.
 - New lawyers, smaller firms, and solo practitioners can benefit from pro bono work by developing skills and expertise and creating contacts in the community.
 - Pro bono providers offer Minimum Continuing Legal Education (MCLE) trainings for prospective volunteers at little or no cost, as well as opportunities to network with other lawyers.
 - Pro bono programs often provide mentoring and malpractice coverage for their volunteers.
- **There are 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:
 - Full representation
 - Limited Scope representation
 - Impact litigation
 - Policy advocacy
 - Transactional legal assistance to nonprofit organizations
 - Advice and counsel clinics and hotlines
 - Provision of legal information at court self-help centers
 - Mediation of legal disputes
 - Community education and outreach
- **Get involved**
 - Join your local bar association's pro bono program.
 - Contact local legal aid and other legal services agencies.
 - Work with your firm's pro bono manager/partner.
 - Contact your court's self-help center.
 - Visit CaliforniaProBono.org to find opportunities in your location and areas of interest.
- **Closing remarks**
 - Speaking for myself and my judicial colleagues, we thank you sincerely for your help. We know that you have incredible demands on your time. Your commitment to the profession and to the courts is truly appreciated.