

A Few Key Things that Judicial Officers Can Do to Encourage Attorneys to Provide Pro Bono Services

- **Thank volunteer lawyers.** Make positive comments about pro bono service and how great it is to have attorneys who volunteer their services. Make it known that you understand that attorneys make a sacrifice by donating this time. Thank them for making that commitment.
 - Publicly recognize the contributions of pro bono attorneys at bar functions or social settings. Try to acknowledge his or her contributions in front of other people.
 - Attend award ceremonies recognizing pro bono attorneys. Most legal services organizations hold these ceremonies annually. It makes all the difference in the world if judges are available to congratulate and thank the honorees.
 - When attorneys handle pro bono cases in high-volume areas where they may not have as much expertise, make a special effort to thank them for taking on the cases. For example, recognize that while they may be skilled corporate attorneys, this may be their first family law case, and their extra efforts are appreciated.
 - In the court's annual report, when acknowledging volunteer hours given to the court by attorneys serving as temporary judges, and settlement attorneys, or helping in self-help centers, include a statement acknowledging the important contribution of attorneys who have handled cases pro bono.

- **Refer litigants needing pro bono assistance.** Let litigants know that they may get assistance from a legal aid program or a pro bono lawyer if they are unable to afford full representation, and send them to your court's self-help center or to the self-help Web site at *www.courtinfo.ca.gov* to get information about legal aid programs.

- **Help with training.** Be available for training for your local legal services agency for new pro bono attorneys. Often attorneys need training in family law, landlord/tenant, and other areas of law in which they don't practice but for which there is a large need. Your presence and information about how you run your court makes it clear to attorneys that you care about pro bono service and ensures that they are better prepared for court.

- **Encourage pro bono work publicly.** When speaking to lawyers, local bar association events, or the public, mention pro bono. Note how important it

- is to the profession and to access to justice. Sample speeches, quotes, and resolutions are available from the Equal Access Program at the AOC.
- Get the local bar's board of directors to pass a resolution in favor of the State Bar's Pro Bono Resolution, which calls on all attorneys to donate at least 50 hours per year to indigent individuals or to nonprofit organizations that primarily serve the poor or disadvantaged or who work to increase access to justice. Have that resolution publicized in the local bar newsletter.
 - Encourage the heads of local government attorney offices, such as the District Attorney's, Public Defender's, and county counsel's offices, to promote pro bono service among their staff attorneys and direct them to the State Bar Pro Bono Packet that identifies ways for government and corporate counsel to contribute pro bono services without creating potential conflicts of interest.
 - Discuss with your colleagues the importance of pro bono lawyers and the good works they are doing.
 - Co-author articles with legal services programs in local bar journals (county bar, specialty bars) on the importance of pro bono work.
 - Meet regularly with local legal services and pro bono leadership to better understand their services.
- **Support unbundling.** Encourage attorneys to consider providing pro bono help on an unbundled basis if they're unwilling to take on a whole case. For ideas, see *20 Things Judicial Officers Can Do to Encourage Limited Scope Representation* (www.abanet.org/legal/services/sclaid/.../best_practices_7-08.pdf).
 - **Award fees to attorneys.** Award attorney fees for pro bono services when appropriate. These fees are allowable under *In re Marriage of Ward* (1992) 3 Cal.App.4th 618, and *Do v. Superior Court* (2003) 109 Cal.App.4th 1210. It may be particularly helpful to also impose sanctions so that the other side doesn't act in a manner that drives up costs.
 - **Expedite pro bono lawyer calendaring.** Consider making special calendar arrangements for attorneys appearing on a pro bono basis. Some judges try to hear those matters at the beginning of a calendar. Others allow court clerks to grant docket time close to times that attorneys are appearing on other matters.
 - **Review the on-line Pro Bono Toolkit.** Sample speeches, letters and other resources are available at www.courtinfo.ca.gov/equalaccess/probono.htm.

A few words of caution:

- Be careful when asking an attorney to take on a specific case pro bono. Ethics opinions indicate that this may be improper as you are asking for a solicitation of charity. Instead, have a list of legal services agencies in your community that coordinate pro bono assistance and refer litigants who need assistance to them. Help them recruit volunteers by signing generic letters encouraging them to join the pro bono panel.
- When referring self-represented litigants to a pro bono program, make sure they understand that the volunteer services of an attorney are not guaranteed and that there is no entitlement to pro bono services. It is important that people realize this is a gift of the lawyer's time, not a requirement on the part of the lawyer.
- Make sure it is clear 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.

Lawyers and litigants look to you for guidance and approval, and they will pick up on subtle signals. By letting them know that you are aware of the practical problems they face and the commitment that they are making by volunteering their time, you create a climate where pro bono work is the norm.