



BEST PRACTICES MANUAL *FOR* LOCAL PRO BONO COMMITTEES

**STANDING COMMITTEE
of the
COURT OF APPEALS OF MARYLAND
on PRO BONO LEGAL SERVICE**

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INTRODUCTION

In 2002, the Court of Appeals of Maryland mandated the creation of a Local Pro Bono Committee in each county of the State to help address the enormous gap between the need for civil legal services and the availability of those services for Maryland's low-income residents. The Local Pro Bono Committees were charged with establishing goals and priorities for pro bono legal services in their counties and devising a Local Pro Bono Action Plan, tailored to the needs of their jurisdiction, which would increase the provision of pro bono legal services to the indigent. The level of activity of the local committees varies and a few have combined to serve a particular region. Since 2002, however, lawyers in Maryland have increased their contribution of pro bono legal services to the poor annually. Each year since 2004 Maryland lawyers have donated over one million hours of free legal services to the state's needy.

Despite this progress, the gap between the need for pro bono legal services and the availability of those services continues to expand. The national recession, the epidemic of mortgage foreclosures and the decline in economic growth in Maryland during the past several years have dramatically increased the need for pro bono legal services in this State. The growing number of attorneys willing to provide pro bono services despite the economic downturn affirms the commitment of Maryland's lawyers to social justice and their strong sense of responsibility for fulfilling their obligation of "*pro bono publico*," even in a time of financial hardship. Nevertheless, it is imperative that the number of Maryland attorneys performing pro bono legal services keep rising in order to address the increasing need.

To assist the Local Pro Bono Committees in their work, the Court of Appeals' Standing Committee on Pro Bono Legal Service has prepared this *Best Practices Manual for Local Pro Bono Committees*. The *Best Practices Manual* is organized in two parts. Part I, *A Handbook for New Local Pro Bono Committee Members*, maps the history of organized pro bono in Maryland, tracing important events in the development of pro bono from the formation of the Maryland Legal Services Corporation in the 1980's to the current work of the Local Pro Bono Committees. Part I also examines the response to the present economic downturn and crisis in legal services funding and includes a "Maryland Pro Bono Basics" section in Q & A format that outlines the fundamentals of the rules and systems in place for the performance of pro bono service in Maryland.

Part II, *Best Practices for Local Pro Bono Committees*, is a compendium of the most successful methods that Local Pro Bono Committees have implemented to recruit, train, and recognize pro bono attorneys. It sets forth techniques for Local Pro Bono Committees to use to provide support and resources to volunteer attorneys, as well as to collaborate with the judiciary and legal services organizations. Part II addresses the importance of community outreach and includes a section on the special needs of rural counties. It also contains innovative pro bono projects that can

be implemented statewide and addresses issues of Local Pro Bono Committee governance and performance.

This *Best Practices Manual* is intended as a resource for tools and techniques that will enhance the ability of Local Pro Bono Committees to encourage greater involvement of members of the bar, the judiciary, legal services organizations and the community-at-large in pro bono activities. The goal of this *Best Practices Manual* is to help Local Pro Bono Committees harness the positive energy of service among Maryland lawyers and work with them to ensure equal access to justice for all citizens of Maryland.

June 2010

Part I

A HANDBOOK FOR NEW LOCAL PRO BONO COMMITTEE MEMBERS

“Only a significant increase in the donation of legal services to the poor will bring about a significant decrease in the number of indigent people who need legal services but do not receive them.

- Maryland Judicial Commission on Pro Bono, March 2000

There is one lawyer for every one hundred sixty-eight (168) people in Maryland, yet there is one legal services lawyer for every nine hundred and seventy (970) indigent Marylanders. Each year, approximately 80% of low-income Marylanders seeking necessary civil legal services are unable to obtain representation. Study after study confirms, however, that having legal representation is often the single most important factor in assuring meaningful access to the justice system. As a result of this gap between the need for legal services and their availability, thousands of Maryland citizens are left without recourse when faced with problems relating to housing, employment, healthcare, consumer, disability and family law issues.¹

The Court of Appeals created the Local Pro Bono Committees in 2002 to provide organization and structure for pro bono initiatives at the county level. Each Local Committee was entrusted with revitalizing and increasing the involvement of local attorneys in pro bono work in their county. The impetus for a statewide system of local committees came from the work done by the Maryland Judicial Commission on Pro Bono, which in its March 2000 Report and Recommendations found that the civil justice system was not an accessible forum for resolving the legal problems of many Marylanders too poor to afford counsel. This was so despite many earlier years of effort to promote pro bono work by Maryland lawyers to fill the legal services gap.

¹For current statistics on the gap in legal services to the poor from the *Maryland Access to Justice Commission, Interim Report, Fall 2009*, see Appendix A.

Section A: History of Pro Bono in Maryland

1. Early Development of Pro Bono

For over thirty years there have been organized efforts to engage Maryland attorneys in pro bono representation of the poor. In 1973, the Montgomery County Bar Association created the first pro bono referral system in the state. It was not until 1981, however, in the face of state and federal budget cuts for legal services, that a statewide pro bono effort began to take form. In that year, when it appeared that federal funding for legal services would be severely cut or even eliminated, members of the Maryland State Bar Association (MSBA) created the Maryland Volunteer Lawyers Service (MVLS). It was in 1981 also that changes to federal banking laws permitted the creation of the IOLTA (Interest on Lawyers Trust Accounts) Program, and the Maryland General Assembly created the Maryland Legal Services Corporation (MLSC) to administer the state IOLTA Program. Maryland Volunteer Lawyers Service, with funds from the Maryland Legal Services Corporation, was the first statewide organization to refer low-income Marylanders to volunteer lawyers who provided pro bono legal services.

In the years that followed, the organized effort to provide pro bono legal services in Maryland continued to evolve, although the interest of the private bar in providing pro bono legal services sometimes waned. Below is a timeline of the key events in the early development of a statewide delivery system of pro bono legal services.

****Timeline of Key Events in the Development of Pro Bono****

1988 The Maryland Legal Services Corporation Advisory Council, chaired by then-Congressman Ben Cardin, conducts a legal needs study and issues a report, *Action Plan for Legal Services to Maryland's Poor*, which finds that only 20% of those eligible for civil legal services receive them. The report recommends that, among other activities, the Court of Appeals adopt a mandatory pro bono rule. In place of a mandatory rule, the Maryland State Bar Association (MSBA) pledges to oversee an extensive campaign to increase the level of voluntary pro bono service in Maryland.

1989 The Court of Appeals considers the proposal for a mandatory pro bono rule, but instead adopts the MSBA proposal of a voluntary recruitment plan. The Court mandates that the MSBA “superintend” the effort and report back to the Court regarding its success. The MSBA launches a People’s Pro Bono Campaign to spur pro bono service. Chief Judge Robert C. Murphy sends a letter to Maryland

lawyers enclosing a survey on pro bono representation. Sixty percent (60%) of Maryland's lawyers respond, and approximately 80% of those responding say they have done or are willing to do pro bono work. The unprecedented positive response brings national attention to the campaign, earning the MSBA the ABA Harrison Tweed Award.

1990 The MSBA creates the People's Pro Bono Action Center, or PPBAC, as the statewide coordinator and clearinghouse for pro bono civil legal services in Maryland to implement the Court's mandate. The initial mission of PPBAC, which later becomes the Pro Bono Resource Center of Maryland (PBRC), is to support, train and refer volunteer lawyers to legal services providers, assist in the development of pro bono projects, and report on the progress. PPBAC begins referring volunteer lawyers to pro bono referral programs and legal services providers across the state, publicizing the need for pro bono assistance and advertising pro bono opportunities. It also assumes responsibility for tracking and reporting on pro bono services.

1992 The PBRC contracts with John A. Tull and Associates to evaluate the delivery of pro bono legal services in the state. The study surveys several thousand lawyers to learn the motivation for and frequency of pro bono service. The final report, *Furthering the Pro Bono Commitment in Maryland: An Assessment of the State's Volunteer Legal Services Delivery System*, makes numerous findings, among them that: 1) Maryland has a complex and diverse pro bono system that can be duplicative and is in need of coordination, 2) timely referrals and effective screening of cases is essential to volunteer lawyer satisfaction, 3) there is a crisis in family law that is systemic and beyond the capacity of the pro bono network to address, 4) locally based pro bono programs are essential in rural areas to increase pro bono involvement/participation, and 5) there is a substantial amount of pro bono work already being done throughout the state of Maryland. The Report also finds that lawyers who volunteer do so from a strong sense of professional responsibility, and that most volunteers prefer to handle cases in an area of law in which they practice.

1992 A joint study by the MLSC and the University of Baltimore, *Increasing Access to Justice for Maryland's Families*, finds that only 11% of individuals eligible for family law legal services in Maryland receive them.

1993 The placement of pro bono cases through MLSC legal services providers triples and twice as many lawyers are donating their time. Twenty (20) MLSC funded legal services programs across the state now have a pro bono component.

1994 A national ABA *Legal Needs Study* confirms the findings of the Cardin report in Maryland that only 20% of those in need of civil legal services receive them.

1995 Placement of pro bono cases begins to drop due to funding cuts and increased client demand. Programs have difficulty identifying volunteers willing to accept pro bono cases. As commitment of private attorneys diminishes, so too does the commitment of legal services providers to making pro bono referrals.

1997 The Maryland Coalition for Civil Justice initiative of the MSBA conducts a study and finds that family law is the top area of need and top priority for people eligible for civil legal services, followed by elder law and housing/ landlord-tenant issues.

1998 Chief Judge Robert M. Bell establishes the Judicial Commission on Pro Bono Service to “investigate and make findings and recommendations about what role the Judiciary can and should play in expanding pro bono legal services.” The Commission conducts a statewide survey of judges, legal services providers, court personnel and individuals turned away from legal services providers.

2000 The Judicial Commission on Pro Bono Service issues its Report and Recommendations. The Commission finds that lawyers in Maryland need greater and more specific guidance about what their professional obligation to render pro bono service entails. The Commission also finds that there is a need for a statewide system for tallying the amount and type of pro bono work rendered each year, and that the role of judiciary is crucial in increasing pro bono and making it more “user friendly” for lawyers. The Commission’s Report includes nineteen Recommendations, including the creation of a statewide oversight committee and local pro bono committees in each jurisdiction charged with formulating a local pro bono action plan. The Recommendations also address the role of judges and court administrators in facilitating pro bono, the need to revise Rule 6.1 of the Maryland Rules of Professional Conduct to emphasize the pro bono obligation, and the need to adopt other new rules to address the issues raised in the Report.

2002 The Court of Appeals adopts MD Rules 16-901 to 16-903, which implement many of the Recommendations of the Commission, including the creation of a statewide Standing Committee and Local Pro Bono Committees in each county. The Court also amends Rule 6.1 of the Rules of Professional Conduct to clarify the definition of and obligation to perform pro bono service.

2. Creation of the Standing Committee and the Local Pro Bono Committees

In February of 2002, the Court of Appeals launched a statewide program to address the shortcomings of the existing pro bono delivery system in Maryland. Rule 16-901 established a Standing Committee on Pro Bono Legal Service, and Rule 16-902 created a Local Pro Bono Committee for each county. Together with Rule 16-903, which required each practicing attorney in Maryland to file an annual report on pro bono legal service, these new rules were adopted to coordinate and revitalize the delivery of pro bono legal services in Maryland. Revisions to Rule 6.1 of the Maryland Rules of Professional Conduct, which clarified the definition of pro bono service and created an aspirational goal of 50 hours of pro bono service annually for attorneys engaged in fulltime practice, aimed to assure that greater numbers of Maryland lawyers would render pro bono services annually. (See Appendix B for the Maryland Pro Bono Rules.)

a. Standing Committee on Pro Bono Legal Service

A principal role of the Standing Committee on Pro Bono Legal Service is to oversee and facilitate the work of the Local Pro Bono Committees in each county. The Standing Committee consists of 13 members, comprised of attorneys from each of the appellate judicial circuits, circuit and district court judges, a representative of a legal services organization, and a member of the general public, as well as consultants appointed to the Committee from time to time. Rule 16-901 sets forth the following duties of the Standing Committee:

- Develop forms for the Local Pro Bono Committees to use in formulating their Local Pro Bono Action Plans and making their annual reports to the Standing Committee.
- Recommend uniform standards for use by Local Pro Bono Committees in assessing legal needs in their counties.
- Review and evaluate the Local Pro Bono Action Plans and annual reports submitted by the Local Pro Bono Committees.
- Collect information about pro bono projects available for implementation by Local Pro Bono Committees.
- Provide guidance to Local Pro Bono Committees about the new pro bono rules.
- File an annual report and recommendations with the Court of Appeals about the implementation and effectiveness of the Local Pro Bono Action Plans.
- Prepare a State Pro Bono Action Plan to promote increased efforts on the part of lawyers to provide pro bono services. The State Action Plan shall:

- Review and assess the results of the Local Pro Bono Action Plans.
- Assess the data generated by the new pro bono reporting requirement under Rule 16-903.
- Gather and consider information regarding the need for pro bono legal services in Maryland.
- Provide the opportunity for one or more public hearings.

In 2005, the Standing Committee submitted its State Action Plan to the Court of Appeals. The State Action Plan included a detailed description of the legal needs of Maryland's poor, the scope and extent of pro bono services in the state, a summary of the Local Pro Bono Action Plans and a series of recommendations for the Standing Committee, the Court of Appeals, the Administrative Office of the Courts, the bar, the bench and the legal services community. The State Action Plan was revised in 2006 to reflect the implementation of several of the recommendations. As a result of the Standing Committee's recommendations, the Court of Appeals revised Rule 16-902 to increase the participation of judges on Local Pro Bono Committees, require submission of annual reports on May 1 of each year, require each Local Committee to establish a procedure for new membership, and allow counties within the same region to join together as a local committee with the approval of each Administrative Judge of the counties involved.

At the request of several Local Committees, the Standing Committee conducted a statewide survey of legal service providers in the state. It asked for county specific data, which it forwarded to each Local Committee. (*See* Appendix C). The Standing Committee also designed a survey of human and social services agencies (Appendix D) and a client survey (Appendix E) for use by Local Committees. The Standing Committee assisted in entering the data into the database system, collating the information and providing analysis for use by the Local Committees.

b. Local Pro Bono Committees

The Local Pro Bono Committees were created by the Court of Appeals to address the lack of access to justice for Maryland's low-income residents at the county level, taking into account the specific needs of the county's population, the availability of legal services and pro bono referral programs in the county, and the degree to which the county bench and bar were involved in the pro bono effort. Pursuant to Rule 16-902, each Local Pro Bono Committee is comprised of a minimum of 11 members, including two representatives nominated by legal services and pro bono referral organizations, a representative of the District Public Defender, members of the local bar, members of the public, and circuit and district court judges. Rule 16-902 requires the County Administrative Judge to assess the

composition of the Committee on an annual basis and take steps to ensure full membership. The duties of a Local Pro Bono Committee include:

- Assessing the needs in the county for pro bono legal service, including the needs of non-English speaking, minority and isolated populations.
- Determining the nature and extent of free or low-cost legal services, whether staffed or volunteer.
- Establishing goals and priorities for pro bono legal services in the county.
- Preparing a Local Pro Bono Action Plan.
- Implementing the Plan in accordance with the Standing Committee's directives.
- Submitting an annual report about the Plan to the Standing Committee.

Under Rule 16-902, Local Pro Bono Action Plans were to address the following matters:

- Screening applicants for pro bono services and referring them to volunteer attorneys.
- Establishing or expanding attorney referral panels.
- Continuing and supporting current services of existing pro bono and legal services organizations.
- Developing a procedure for matching cases with individual attorney expertise, including specialized panels.
- Providing support for volunteer attorneys, including:
 - Litigation resources and out-of-pocket expenses for pro bono cases.
 - Legal malpractice insurance.
 - Education and training for volunteer attorneys in areas of the law relevant to pro bono service, including mentoring with experienced attorneys in those areas of practice.
 - Recommending court scheduling and docketing preferences for pro bono cases.
 - Developing methods of informing lawyers about ways in which they may provide pro bono legal services.

When the Standing Committee submitted its State Action Plan to the Court of Appeals in August of 2005, the Local Pro Bono Committees in eleven of twenty-four counties had submitted their Action Plans. Those counties were: Anne Arundel, Baltimore, Calvert, Carroll, Charles, Harford, Howard, Montgomery, Prince George's, Somerset, and Washington. By December of 2006, an additional eight counties had submitted plans: Allegany, Baltimore City, Caroline, Dorchester, Frederick, Talbot, Wicomico, Worcester. As of the publication of this

Best Practices Manual, Local Pro Bono Committees in all but one county have submitted their Action Plans to the Standing Committee for Pro Bono Legal Service.

c. Local Pro Bono Action Plans

Staffed solely by volunteers and working almost always without budgets, the Local Pro Bono Committees in most Maryland counties did a remarkable job of fulfilling the obligations placed upon them by Rule 16-902. The involvement of local judges was critical in the process. Where judges participated actively, Local Pro Bono Committees were formed and functioning most quickly. In counties that had existing local pro bono providers, such as the Allegany, Hartford, Montgomery and Prince George's County Bar Foundations, those organizations facilitated the work of the Local Committee, which could build upon an already existing structure of pro bono service delivery. Likewise, where the local bar was actively engaged in the work of the Local Committee, the outcome was more successful.

When it became clear that the needs assessment requirement of Rule 16-902(b) was too onerous for most Local Committees, the Standing Committee conducted a statewide survey and provided county-specific information to the Local Committees. Some Local Committees still conducted their own needs assessment; for example, the Caroline County Pro Bono Committee held several town hall meetings to determine the most critical area of legal services needs in the county. Many Local Committees also used the client survey and a survey for human and social services organizations developed by the Standing Committee when formulating their Local Pro Bono Action Plans.

If a Local Committee had difficulty organizing and formulating a Local Pro Bono Action Plan, it often was attributed to the failure of Rule 16-902 as originally drafted to indicate who should take the leadership role in forming the Local Committees. The Rule was amended in 2007 to require the County Administrative Judge to serve as the temporary chair of the Local Committee, to appoint members and convene its first meeting. In those counties in which the process of forming a Local Pro Bono Committee proved difficult, the lack of a pro bono provider or pro bono coordinator in the county was often noted in the Local Action Plan as the biggest obstacle. In some jurisdictions where the local bar was quite small and consisted primarily of government lawyers, it was especially difficult to form a Local Committee. Yet one small rural county, Somerset County, with only sixteen lawyers (four of whom were judges), was one of the first Local Committees to submit its Pro Bono Action Plan.

d. Assessment of Needs and Identification of Obstacles to Pro Bono Service

Across the board, the Local Pro Bono Action Plans identified family law as the area of greatest need for legal services. Many noted the growing number of self-represented family law litigants and the strain they placed on the judicial system. Other areas of high need identified by the Local Committees included housing, landlord/tenant, consumer, elder law, bankruptcy/collections, and public benefits. Counties with large non-English speaking communities listed immigration as an area of high need as well.

The Standing Committee had noted in its State Action Plan that family law cases consistently overwhelm the legal services delivery system in general and pro bono programs in particular. This problem was identified in the Local Pro Bono Action Plans as one of the greatest obstacles to the provision of pro bono services. Other obstacles facing the Local Pro Bono Committees in trying to implement their Action Plans included:

- Lack of knowledge among lawyers of pro bono opportunities and referral programs.
- Lack of knowledge of human services agencies about available legal services and pro bono programs.
- Lack of knowledge among the public of programs such as the courts' family law pro se projects.
- Mismatch between the areas of greatest need for pro bono services and the top areas of practice for private attorneys.
- Economic pressure on attorneys, stress of the practice of law, substantial demands on pro bono attorneys' time, and the work-family conflict.
- Lack of support services for volunteers.
- Attorneys unwilling to take long, time-consuming cases.
- Sense of burn-out by family law practitioners.
- Prohibitions against government attorneys engaging in pro bono work.
- Transportation and language issues.
- Lack of funding for pro bono initiatives.

Despite the many obstacles to the provision of pro bono services identified in the Local Pro Bono Action Plans, the very process of forming the Local Pro Bono Committees, conducting the surveys and formulating the Local Pro Bono Action Plans raised awareness of pro bono legal services among lawyers, human and social services agencies and the public. Typical goals developed in the Action Plans included publicizing the availability of pro bono services, engaging more local lawyers in pro bono work, developing short-term pro bono opportunities,

identifying other ways to engage corporate and transactional attorneys in pro bono service, screening clients for eligibility based on income, coordinating with existing pro bono programs and legal services agencies, and recognizing lawyers for their significant contributions to pro bono legal services.

e. Continuing Work of the Local Pro Bono Committees

Within a year of submitting their Pro Bono Action Plans, many Local Committees had begun to implement their plans and accomplish some of their goals. For example, in Carroll, Charles and Caroline Counties, the Local Pro Bono Committees coordinated the recruitment of volunteer lawyers to staff the family law Self-Help Clinics at the courthouse that were about to lose their funding. The Baltimore County Committee developed free trainings for lawyers who agreed to accept pro bono family law cases. Several counties developed websites and list serves to promote pro bono activities. In Baltimore City, the Committee accomplished its goal of encouraging the Baltimore City Bar Association to establish a pro bono committee, the Pro Bono and Access to Legal Services Committee, which collaborated with the Local Committee in its efforts. In Harford County, Committee members met with the County Executive to discuss transportation and access issues for the rural poor and disadvantaged. The Local Committee in Somerset County, in partnership with the Legal Aid Bureau, developed a weekly pro se clinic to address civil law issues other than family law. Numerous counties around the state worked with the Pro Bono Resource Center to develop a Maryland Lawyers Care Brochure for their community listing all of the local and statewide resources for legal services.

In addition, Local Pro Bono Committees throughout the state have participated in regional meetings hosted by the Standing Committee. In 2005, the Local Committee Chairs of four counties on the Eastern Shore, Caroline, Dorchester, Queen Anne's and Talbot, met for a regional meeting and discussed the possibility of creating a regional pro bono coordinator. In 2006, the Standing Committee convened a meeting with the Central Western counties, Carroll, Frederick and Howard, and in 2007 the Lower Shore counties, Somerset, Wicomico and Worcester, met to discuss regional needs. A regional meeting took place in Southern Maryland in January of 2008 with Calvert, Charles and St. Mary's counties where Local Committee Chairs explored the possibility of initiating joint projects in the region. Prince Georges' County convened a Pro Bono Summit in June of 2009 to bring together all legal services providers in the county to share information and explore possible collaborative efforts to address the increase in the need for legal services caused by the economic decline and demographic changes in the county. At a statewide meeting of the Local and Regional Pro Bono Committee Chairs hosted by the Standing Committee in November of 2009, the Chairs reported on recent pro bono initiatives in their counties and explored ways

to address the fallout from the economic downturn. Prior to that meeting, the Local Committee Chairs completed a Best Practices Questionnaire developed by PBRC and used in the preparation of this Best Practices Manual.

Notably, several counties on the Eastern Shore joined forces in 2005 to form a regional committee, the Mid-Shore Pro Bono Committee. Those counties, Caroline, Dorchester, Queen Anne's and Talbot, also established a regional pro bono referral agency, Mid-Shore Pro Bono. The mission of Mid-Shore Pro Bono was to recruit pro bono attorneys, place income-eligible clients with volunteers, and provide support, training and mentoring for volunteers throughout the region. In 2007, Kent County joined the Mid-Shore Pro Bono consortium. Among a number of projects initiated by Mid-Shore Pro Bono, the program has collaborated with the Mid Shore Community Mediation Center and Community Mediation Upper Shore, Inc. to provide mediation and conflict resolution services free of charge. Mid-Shore Pro Bono, under the auspices of the Mid-Shore Pro Bono Committee, also coordinates the volunteer lawyers staffing the Pro Se Family Law Clinics at the Circuit Courts in each of the counties. In several other regions in Maryland, counties have considered forming a Regional Pro Bono Committee on the model of the Mid-Shore Committee.

Section B: Response to the Economic Downturn and Crisis in Legal Services Funding

In October of 2008, the United States experienced its most severe financial crisis since the Great Depression of the 1930's. As a result, in the months that followed, the citizens of Maryland, like Americans across the country, experienced record unemployment, an avalanche of foreclosures and evictions, and a huge surge in the need for public benefits. Given that even in times of economic boom poor people lack access to the courts, it is no surprise that the economic recession has placed enormous strains upon the Maryland legal services delivery system. Requests for representation in matters involving critical legal needs such as housing and employment, child custody, medical care and subsistence benefits have skyrocketed. In the fall of 2009, the Legal Aid Bureau, the largest provider of legal services to the poor in Maryland, saw an increase of 64% in clients served and 73% in people turned away *in one month*.

Exacerbating the problem, the economic decline caused a severe crisis in legal services funding. A primary funding source for legal services providers in Maryland is revenue from IOLTA (Interest on Lawyer Trust Accounts), which has plummeted. Historically low interest rates and shrinking deposits have resulted in a

70% decrease in IOLTA revenue from FY 2008 to FY 2010. The projected \$5 million shortfall in IOLTA revenue caused cuts in grants to the thirty-five non-profit legal services providers funded by the Maryland Legal Services Corporation (MLSC). Such cuts significantly reduce the ability of legal services providers to serve those in need. To make up for the shortfall, the Maryland General Assembly passed a bill to increase the filing fees in Maryland Circuit and District Courts, which are far below the national average, and direct the funds generated to be deposited in the MLSC Fund. Effective July 1, 2010, the surcharge is expected to generate approximately \$6.1 million annually in additional funding. However, a three year sunset provision in the law will eliminate the fee increases on June 30, 2013.

Despite the negative impact of the economic downturn on the practice of law, members of the Maryland bar have stepped up to address the crisis in legal services. In 2008, almost 60% of all lawyers practicing in Maryland engaged in some type of pro bono activity, and the number of pro bono hours contributed by Maryland attorneys increased by over 40,000 hours from the year before. Significantly, just prior to the economic freefall, Chief Judge Robert M. Bell created the Access to Justice Commission to develop and implement policy initiatives to expand access to justice for all citizens in Maryland. The Access to Justice Commission spent its first year focusing on the impact of the financial crisis on the delivery of legal services. In addition, the legal services community created an innovative project addressing one of the most pressing problems caused by the economic crisis: the Foreclosure Prevention Pro Bono Project. Each is described briefly below.

a. Access to Justice Commission

The mission of the Access to Justice Commission, created by Chief Judge Bell in 2008, is to develop and implement policy initiatives that will expand access to justice in civil legal matters for persons who encounter barriers when participating in Maryland's justice system. The Access to Justice Commission is comprised of members of the Maryland Judiciary, legal services organizations, the Maryland State Bar Association, the Governor's Office, the Court's Standing Committee on Pro Bono Legal Service and the executive and legislative branches. In its first year, the Commission created six committees and numerous sub-committees to examine and make recommendations on ways to increase access to justice by: 1) enhancing the safety, accessibility and convenience of the courts and justice system for all, 2) supporting the delivery of legal services 3) assisting self-represented litigants, 4) addressing critical barriers to justice for those with language, literacy, and cultural differences, 5) promoting public information about the civil justice system, 6) articulating what access to justice for all should mean in Maryland and identifying ways to measure the impact of the Commission's work. In its first year, the Access

to Justice Commission held a Statewide Forum, as well as numerous Listening Events to get input from members of the public throughout the state.

In the fall of 2009, the Access to Justice Commission published its Interim Report and Recommendations. The Report addressed in detail the economic recession and the crisis in funding for civil legal services, as well as each of the areas of concern noted above. The Commission made a total of sixty-two Recommendations addressing each of these areas. Notably, thirty-four of the Recommendations focused on the critical barriers that prevent access to the justice system for all citizens. Sixteen additional recommendations addressed issues of safety, accessibility and convenience. The Interim Report highlighted a new initiative by the courts, the District Court Self-Help Center Pilot Project, modeled on the existing Family Law Self-Help Centers in the Circuit Courts. The Pilot Project, launched in the District Court for Anne Arundel County in Glen Burnie, Maryland, provides assistance to self-represented litigants in landlord/tenant matters, small claims, debtor/creditor actions, domestic violence and traffic violations, and is developing best practices and standards to be followed in replicating the Pilot Project in other District Court sites in the state.

b. Foreclosure Prevention Pro Bono Project

In 2008, in the face of an unprecedented number of foreclosures in the state of Maryland, the legislature enacted emergency legislation relating to the foreclosure process to offer greater opportunities for homeowners to preserve their homes. New notice requirements, additional defenses, and modifications to the process itself provide families and individuals a chance either to prevent foreclosure or mitigate their losses. In the spring of 2008, the state Department of Labor, Licensing and Regulation (DLLR) approached the Court to help identify volunteer lawyers to assist distressed homeowners. Chief Judge Robert M. Bell requested PBRC to spearhead a massive recruitment effort that quickly evolved into the Foreclosure Prevention Pro Bono Project. PBRC brought in many partners, including five pro bono referral providers (Allegany Law, Community Legal Services of Prince George's County, Maryland Volunteer Lawyers Service, Mid-Shore Pro Bono and Montgomery County Lawyer Referral Program), Civil Justice, Inc. and other non-profit organizations, as well as the key state agencies, the Department of Housing and Community Development and the Department of Labor, Licensing and Regulation. In July of 2008, Chief Judge Bell launched the Project with a letter to all attorneys licensed in Maryland requesting their assistance in Maryland's foreclosure crisis by participating in the Project.

The Foreclosure Prevention Pro Bono Project provides free training for participating attorneys in Maryland's new foreclosure law and process. Each

attorney who takes the free training pledges to represent at least one distressed homeowner in the foreclosure context. Over 1050 attorneys had been trained in the Project as of June of 2010. The participating volunteer attorneys provide brief one-on-one legal counsel to distressed homeowners at public workshops, directly represent homeowners in negotiations with their lenders, and work with non-profit housing counseling agencies providing foreclosure prevention counseling. The Foreclosure Prevention Pro Bono Project has also been made available to volunteer attorneys statewide through online trainings. Since its inception, the Project has referred more than 900 pro bono cases and counseled over 2200 at-risk homeowners. It is a prime example of the value and importance of the pro bono work done by Maryland lawyers.

Section C: Maryland Pro Bono Basics

In July of 2002, a new era began for pro bono in Maryland when the Court of Appeals amended Rule 6.1 of the Rules of Professional Conduct, changing the definition of pro bono and providing for an aspirational goal of 50 hours of pro bono service annually for lawyers in full time practice. This Rule change, in addition to the creation of the statewide Standing Committee on Pro Bono Service and a Local Pro Bono Committee in each county or region, institutionalized the pro bono effort that had been active in Maryland since the 1980's. With the adoption of a mandatory pro bono reporting requirement pursuant to Rule 16-903, the Court of Appeals made it clear that pro bono service and/or a monetary contribution to legal services organizations was a professional responsibility of each Maryland attorney. (See Appendix B for the Maryland Pro Bono Rules).

The following Q & A outlines the fundamental rules and systems for pro bono and provides a quick guide to the basics of pro bono legal service in Maryland.

a. What constitutes pro bono service?

Many attorneys believe that pro bono service is any charitable legal work performed without compensation. However, Rule 6.1 of the Maryland Rules of Professional Conduct, as amended in 2002, specifically defines pro bono service as *legal* service. It calls for the provision of professional services without fee or expectation of fee, or at a substantially reduced fee to:

- (A) people of *limited means*;
- (B) charitable, religious, civic, community, governmental, or educational organizations in matters *designed primarily to address the needs of people of limited means*;

- (C) individuals, groups or organizations *seeking to secure or protect civil rights, civil liberties or public rights*; or
- (D) charitable, religious, civic, community, governmental or educational organizations in matters in furtherance of their organizational purposes when the *payment of the standard legal fees would significantly deplete the organization's economic resources* or would otherwise be inappropriate.

Rule 6.1 also provides that pro bono service includes activities for improving the law, the legal system or the legal profession. Attorneys may discharge their pro bono obligation by contributing financial support to organizations that provide legal services to persons of limited means.

b. What are the requirements for pro bono service?

There is no requirement that attorneys licensed in Maryland perform pro bono service, only that they report their pro bono work each year in accordance with Rule 16-903. However, Rule 6.1 establishes an aspirational goal of *50 hours* of pro bono service annually for attorneys in full-time practice, and a pro rata number of pro bono hours for part-time attorneys. The aspirational goal applies not only to attorneys in private practice, but also to legal services and public interest lawyers, as well as to most government lawyers.

Some government lawyers are prohibited by constitutional, statutory, rule, or other regulatory restrictions from engaging in representational pro bono service. When those restrictions apply, a government lawyer still may discharge his or her professional responsibility under Rule 6.1 by engaging in non-representational pro bono service activities or making a financial contribution to a legal services organization. Rule 6.1 does not apply to Administrative Law Judges (ALJ's), judges, masters, law clerks and law professors, unless in addition to their duties in those capacities they engage in the practice of law.

c. What are the reporting requirements for pro bono service?

Under Rule 16-903, each attorney authorized to practice law in Maryland must file an annual Pro Bono Service Report stating the number of pro bono hours they rendered and any contributions they made to legal services organizations. The reporting requirement applies to all attorneys who pay dues into the Client Protection Fund. Forms are mailed to attorneys by January 10 of each year and must be filed by February 15. The Report asks each lawyer to state the number of pro bono service hours donated in the previous year, how many of those hours were in matters referred by a pro bono or legal services organization, the areas of

law involved, the number of hours the lawyer devoted to activities to improve the law, the legal system, or the legal profession, and any financial contribution made to one or more organizations that provide legal service to people of limited means. The lawyer must also state his or her area(s) of practice, the type and size of the firm or agency in which he or she practices and whether he or she is retired or working part time.

d. What type of work qualifies as pro bono service?

To qualify as pro bono service, the work must be taken on *without fee or expectation of fee*, or for a *substantially reduced fee*. Therefore, pro bono service does not include lost revenue for hours worked due to a client's failure to pay the fee, or "writing-off" hours that were worked from a client's bill. Nor does it include failure to prevail in a contingency fee case. The case must be entered into with the intention of waiving the fee or with an agreement with the client to pay a *substantially reduced fee*, that is, a fee that is *materially and extensively lower* than what would normally be charged, such as the \$50-55 per hour panel fees for public defender cases.

The work also must be performed for a person of *limited means*. A person of limited means is an individual who either qualifies for income-based legal services programs or is a person who the lawyer knows cannot afford to pay for legal assistance.

e. Who qualifies for income-based legal services in Maryland?

There are generally two formulas used to determine eligibility for income-based legal services programs. All legal services providers in Maryland funded by the Maryland Legal Services Corporation use the MLSC income guidelines, which require an income of less than 50% of the median Maryland income, based on family size, to qualify. For FY 2009-2010, a family of four must have an annual household income of less than \$48,476 in order to qualify for free or reduced fee services. (For a chart of the current MLSC income eligibility guidelines, *see* Appendix F or visit www.mlsc.org as the guidelines change annually). In contrast, the Legal Aid Bureau is required to apply the federal income guidelines, which use 125% of the federal poverty line as the cut off for services. Under the federal income guidelines, the same family of four would have had to earn less than \$27,563 in 2009 to qualify for Legal Aid services. In limited circumstances, the Legal Aid Bureau can represent individuals who are at 187.5% of the federal poverty line. (For a current chart of the Legal Aid Bureau's guidelines, *see* Appendix G or visit www.mdlab.org/guidelines.)

f. What legal services are available in Maryland?

The Legal Aid Bureau is the largest provider of legal services to the poor in Maryland. It has thirteen offices throughout the state and handles a wide-range of legal matters, including family, housing, wage and hour, consumer rights, government benefits, employment, elder rights and education cases. Each county or region sets priorities for cases accepted in that area. Due to federal funding restrictions, the Legal Aid Bureau is prohibited from handling certain types of cases, including class actions and prisoner litigation, as well as most fee generating cases, and cannot represent immigrants who do not have proper legal status in the United States. Legal Aid currently has funding for 150 staff attorneys, and it is an unfortunate reality that each year the Legal Aid Bureau must turn away many more cases than it can accept.

In addition to the Legal Aid Bureau, there are 35 MLSC-funded legal service organizations in Maryland, some of which have staff attorneys who provide direct representation for eligible clients. Many of these organizations specialize in a particular area of the law or target a particular client population. For instance, the House of Ruth and Heartly House represent victims of domestic violence. The Homeless Persons Representation Project (HPRP) counsels the homeless and those at risk of becoming homeless. The Maryland Disability Law Center is the statewide protection and advocacy program for people with disabilities. CASA of Maryland serves the immigrant and day laborer community. The Public Justice Center engages in systemic litigation and legislative work to ensure protection of the unrepresented, including victims of domestic violence, the disabled, children and migrant workers. Clinical programs at the University of Baltimore and University of Maryland Law Schools also provide free legal assistance in a range of substantive areas. Despite the valiant work of these legal services providers in Maryland, statistics consistently show that only 20-25% of those in need of critical civil legal services receive assistance each year. It is up to pro bono attorneys to help fill this gap. (For an abbreviated directory of legal services programs, *see* Appendix H.)

g. What pro bono programs are available in Maryland?

A number of the legal services providers described above (excluding the law schools), has a pro bono component in its program. As a condition of federal funding, the Legal Aid Bureau must spend 12.5% of its general revenues on private bar involvement (PBI). A few other organizations have a pro bono manager on staff responsible for placing cases with volunteer attorneys. In addition, there are four local pro bono referral programs located in Allegany, Hartford, Montgomery and Prince George's counties which operate through their county Bar Foundations (namely Allegany Law, Community Legal Services of Prince George's County,

Harford County Lawyer Referral, and Montgomery County Pro Bono Program). Mid-Shore Pro Bono, a regionally based pro bono referral program, covers Caroline, Dorchester, Kent, Queen Anne's and Talbot counties. The Maryland Volunteer Lawyers Service, the largest pro bono referral program in the state, serves all counties in the state but for Allegany, Montgomery and Prince George's counties. (For a guide to pro bono referral programs, *see* Appendix H.)

h. What pro bono opportunities are available for volunteer attorneys?

There is a rich and diverse selection of substantive matters and service opportunities for pro bono lawyers in Maryland. Volunteer lawyers working through pro bono referral programs handle all types of civil legal issues, from family law to consumer credit to bankruptcy to immigration cases. Opportunities are available for non-litigators who can use their skills to assist low-income clients in real estate, tax, community development and other transactional matters. Volunteer lawyers are needed for administrative hearings, criminal record expungements, employment counseling, identity theft, contract disputes, fraudulent lending practices and foreclosure prevention.

Pro bono opportunities are available to any lawyer or group of lawyers interested in doing pro bono in an area of practice with which they are familiar. For example, tax and business attorneys have participated in low-income tax clinics. Government lawyers have worked with hospice patients to provide counseling and prepare documents addressing end-of-life issues. Corporate and real estate lawyers have worked with neighborhood associations to reclaim abandoned properties and eliminate drug houses.

Trainings are available throughout the state for volunteer attorneys to gain knowledge in areas of the law outside their normal practice. As a resource center, PBRC actively coordinates training seminars in a variety of relevant areas of practice for lawyers willing to help pro bono clients. PBRC typically coordinates these training sessions in conjunction with legal services or pro bono providers who express a need for such assistance. Trainings are conducted across the state. As noted, the Foreclosure Prevention Pro Bono Project has trained over 1,000 lawyers to represent distressed homeowners in foreclosure proceedings. Trainings are held regularly in bankruptcy and immigration law. Family law programs train lawyers to serve as guardians *ad litem* in contested custody cases. The Homeless Persons Representation Project frequently trains lawyers in the process of criminal record expungements. The Maryland Disability Law Center provides training for lawyers to represent students in special education matters and disciplinary hearings. And Maryland Volunteer Lawyers Service conducts trainings for attorneys several times a year in areas such as landlord-tenant disputes, denials of long-term Medicaid, and adult guardianship.

Direct representation is not the only form of pro bono work available. Short-term pro bono opportunities exist in courthouse Self-Help Clinics, with hotlines and helplines, as well as in advice and counsel workshops and “ask a lawyer” programs. Volunteer lawyers conduct mediations and settlement conferences in District Courts throughout the state. Increasingly, pro bono attorneys serve as general counsel to non-profits serving people of limited means. There are also opportunities to engage in public education and community outreach, as well as to train other volunteer attorneys. Some pro bono attorneys serve as legislative advocates or assist with policy development for organizations that serve people of limited means. (For a list of short term pro bono opportunities, *see* Appendix I.)

i. What resources and support are available for pro bono attorneys?

The Pro Bono Resource Center is the statewide clearinghouse and coordinator of pro bono services. PBRC works closely with legal services providers and pro bono projects throughout the state not only to help recruit pro bono attorneys, but also to provide support and resources for pro bono attorneys. PBRC coordinates training programs that are free or discounted, in return for a participant’s pledge to typically take one pro bono matter. PBRC manages the MLSC Litigation Fund which is available to pro bono and Judicare attorneys to fund such expenses as depositions, document production and other discovery costs, expert fees, and copying and postage. (For the Litigation Fund Request Form, *see* Appendix J). In addition, PBRC offers services to pro bono attorneys such as mentoring, list serves, and online training access.

Individual pro bono programs also offer a wide array of resources. Each MLSC funded pro bono program throughout the state provides malpractice insurance for a pro bono attorney even if he or she has coverage. Pro bono programs provide intake or screening of cases to determine income eligibility of the applicant and the legal merits of their case. In most jurisdictions, advance fee waivers are available automatically to pro bono clients referred through an MLSC-funded program with a simple letter from that program. Many pro bono programs have sample letters of engagement, pleadings, discovery requests, and other court documents available to pro bono attorneys. Programs specializing in a particular substantive area often have research materials available for pro bono attorneys, as well as attorneys on staff to mentor attorneys who are new to the area of law.

j. Do pro bono services rendered independently of a program qualify as pro bono for reporting purposes?

Yes. If a lawyer comes into contact with a person of limited means and performs legal services for that person with no expectation of payment or at a substantially reduced fee, the lawyer is performing pro bono service. The benefit of organized programs is that they assist lawyers who wish to give of their time, but do not know personally people in need of pro bono services. Programs also pre-screen clients for eligibility and legal need, assist volunteer lawyers with litigation costs and support staff, provide training, and offer malpractice insurance. In addition, it benefits the pro bono effort statewide if an attorney who is independently representing a pro bono client has the client register with the local program, as data regarding the client is captured for statistical analysis and funding purposes.

k. What activities constitute improving the law, the legal profession, or the legal system?

Examples of this type of pro bono service include teaching legal education courses, public speaking on legal issues, volunteering as a mediator or settlement facilitator, serving as a faculty member for the MSBA Professionalism Course, serving on court created committees (such as Local Pro Bono Committees), and serving on a board of a legal services organization or other law related entity.

l. Who is doing pro bono service in Maryland?

According to the reporting data for 2008, the most recent statistics available, 59.7% of full-time attorneys practicing in Maryland were engaged in some type of pro bono work in 2008. Among *all* licensed lawyers, 47.2% reported engaging in some type of pro bono activity. Pro bono attorneys provided a total of 1,109,686 hours of pro bono service, a 40,020 increase from the previous year. Among full-time lawyers, 22.4% reported 50 hours or more of pro bono work.

A larger percentage of solo and small firm practitioners engage in pro bono work. In 2008, approximately 77.7% of solo practitioners reported some pro bono service hours while about 71.4% of small firm members (2-5 in size) donated their time. About 69.9% of those in extra large firms, with 50 or more members, reported pro bono service. Medium and large firms had the lowest percentages of pro bono hours, consistent with previous years. Government lawyers overall provided fewer pro bono hours than those in other offices. Approximately 19.1% of the full-time Maryland bar listed “government agency” as their place of business, translating into 4673 lawyers.

The Eastern Shore and Western Maryland had higher proportions of lawyers rendering pro bono services overall than lawyers in other regions. Lawyers in Garrett County reported the highest percentage of lawyers rendering any pro bono service (76.7 %) with Dorchester coming in second (74.2%) followed by Kent (73.2%). The lowest pro bono participation rates were reported in Howard, Anne Arundel, Montgomery, Baltimore City, and Baltimore Counties.

m. What types of pro bono services are being provided?

Tracking Rule 6.1, the breakdown of services provided by lawyers practicing in Maryland in 2008 was as follows:

- 49.5% rendered their services to people of limited means;
- 16.6% assisted organizations serving people of limited means;
- 8.5% worked with entities on civil rights matters; and
- 25.4% gave organizational help to non-profits.

Lawyers generally provided a high percentage of their pro bono service in their primary practice area. Those in certain practice areas tend to proportionately provide more pro bono service hours. The top areas included:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Family Law – 69.7% • Trusts/Estates/Wills – 67.3% • Bankruptcy/ Commercial – 62.6% | <ul style="list-style-type: none"> • Personal Injury – 61.4% • Elder Law – 61.2% • General Practice – 58.7% • Litigation – 58.2% |
|--|--|

The largest number of pro bono hours was donated in the family/domestic practice area even though family/domestic law ranked sixth as a primary practice area. Primary practice areas identified by lawyers did not necessarily correspond to the areas in which pro bono services are rendered or needed. (*see chart below*).

Comparison of Practice Areas from 2008 Reporting Results

| RANK | PRO BONO SERVICE AREA | PRIMARY PRACTICE AREA | MARYLAND OFFICE PRIMARY PRACTICE AREA |
|-------------|------------------------------|------------------------------|--|
| 1 | Family/ domestic | Litigation | Litigation |
| 2 | Other | Other | Criminal |
| 3 | Corporate/ business | Corporate/ business | Corporate/business |
| 4 | Real Estate | Criminal | Other |
| 5 | Litigation | Government | Real Estate |

n. What is the area of greatest demand for legal services?

The overwhelming need for legal services continues to be in the area of family law. The Maryland Judicial Commission on Pro Bono in its Report and Recommendations in 2000 found that the top area of need for legal services was family law. In 2005, the Standing Committee on Pro Bono Service in its State Action Plan described the “Family Law Dilemma,” noting that family law cases consistently overwhelm the legal services system and pro bono programs in Maryland. In its 2006-2008 Needs Assessment Report, the Legal Aid Bureau found in its survey of “judicial stakeholders” (e.g. judges, court employees, legal services providers) that family law issues, including abuse, divorce, custody, visitation, and child support, were those most frequently encountered. Housing and consumer matters were also areas of high demand.

In FY 2009, staff and volunteer attorneys for the 35 MLSC funded legal services programs closed a combined 113,042 cases for low-income clients. The case breakdown was as follows:

| | |
|----------------------|---|
| • Family Law | 40% |
| • Housing | 23% |
| • Juvenile/CINA | 10% |
| • Consumer/Finance | 7% |
| • Immigration | 4% |
| • Employment | 4% |
| • Income Maintenance | 2% |
| • Other | 10% (Education, health, individual rights, wills and trust and miscellaneous issues.) |

o. Why do pro bono?

The most compelling reason to do pro bono work is the tremendous unmet need for legal services among low-income Marylanders and our responsibility, as legal professionals, to help those in need. For many volunteer attorneys, their pro bono work is the most stimulating, challenging and meaningful work they do. Pro bono provides an opportunity to connect with the community and help others who could be harmed by the system or taken advantage of without pro bono representation. Volunteer attorneys frequently say that pro bono work reminds them of why they went to law school in the first place, allowing them to give back to the community by protecting the rights of the disadvantaged.

Pro bono work opens a new world of opportunities by introducing attorneys to people and cases they would never encounter in their normal practices. It challenges attorneys to be creative and stretch their imaginations to help someone in need. Many pro bono attorneys are amazed at the courage and fortitude of their clients in the face of tremendous odds, and feel grateful for the opportunity to have a positive influence on their clients' lives.

Pro bono also has practical benefits, including opportunities for professional development. Frequently, pro bono attorneys learn skills in their pro bono cases that help them in their ordinary practice (e.g. learning how to work with an interpreter). Often they are able to hone their lawyering skills, such as interviewing, negotiation and courtroom advocacy. Numerous short-term pro bono opportunities are available that do not involve direct representation but allow an attorney to have a profound impact on the lives of many individuals. (For a list of short-term pro bono opportunities, *see* Appendix I.)

A recent ABA study found that lawyers do pro bono work at a rate three times that of the general public's volunteer work, 73% to 26.2%. It is not surprising, then, that pro bono attorneys find great personal satisfaction and meaning in doing this important work.

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section A ***Overview***

The following Best Practices were compiled from a variety of sources, most importantly from the responses to the *Best Practices Questionnaire* sent to the chairperson of each Local Pro Bono Committee in Maryland in the fall of 2009. The results of the *Best Practices Questionnaire* were discussed at a joint meeting of the Standing Committee on Pro Bono Services and the Local Pro Bono Committee Chairs held on November 4, 2009 in Annapolis, Maryland. In this *Best Practices Manual*, the Best Practices identified by the Local Pro Bono Committees are organized into ten categories: Volunteer Recruitment, Training Volunteers, Support and Resources for Pro Bono Attorneys, Volunteers Recognition, Collaborating with the Judiciary, Working with Legal Services Providers, Community Outreach, Special Issues for Rural Communities, Innovative Pro Bono Projects, and Committee Membership and Governance. Within each category a number of Best Practices are identified, and each Best Practice is followed by a “What to do” list, Helpful Tips, and Comments. Resource materials, forms, and surveys referenced in the discussion are included in the Appendix whenever possible.

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section B

Volunteer Recruitment

INTRODUCTION

Recruiting new volunteer attorneys is at the heart of virtually every pro bono initiative a Local Pro Bono Committee can adopt. Fortunately, almost every action a Local Pro Bono Committee takes to improve pro bono services in their county or region functions as a recruitment tool for new pro bono attorneys. Volunteer trainings, recognition events, mentoring initiatives, community outreach efforts, and innovative court projects all provide the legal community with information about pro bono service and can entice uninvolved lawyers to participate as new volunteers. Actively engaging the judiciary and the leadership of local bar associations in the work of the Local Pro Bono Committee also spreads the word about the importance of pro bono service and is a valuable recruitment tool. In addition, targeting overlooked groups such as new admittees, retired attorneys and government attorneys can expand the scope of a Local Committee's recruitment efforts and reach an untapped resource of volunteers to participate in Local Pro Bono Committee initiatives. The Best Practices described in this Volunteer Recruitment section describe some of the many innovative ways a Local Pro Bono Committee can work to attract and recruit new pro bono attorneys.

BEST PRACTICES FOR Volunteer Recruitment

BEST PRACTICE #1 LOCAL BAR ASSOCIATIONS

Conduct a pro bono recruitment campaign in partnership with the local bar association.

WHAT TO DO:

- Launch the pro bono recruitment campaign with a letter from the president of the local bar association encouraging all bar members to take at least one or two pro bono cases annually, depending on the scope of the case.
- Include in the mailing descriptions of the types of cases available for pro bono representation and testimonials from pro bono attorneys describing the value of the pro bono experience.
- Include in the mailing information about all of the pro bono programs and legal services organizations in the area, such as the *Maryland Lawyers Care Brochure* prepared by the Pro Bono Resource Center for each county, as well as a Pro Bono Attorney Registration Form.
- Have members of the Local Pro Bono Committee write personal notes or letters to attorneys who are their colleagues and personal acquaintances.
- Give presentations about the pro bono recruitment campaign at bar association meetings, section council meetings, and bar-sponsored social events.
- Plan a celebration event and awards ceremony for the end of the pro bono recruitment campaign. Advertise the event and the award for outstanding pro bono attorney and outstanding pro bono law firm in the mailing materials.

- Write an article for publication in the local bar journal or newsletter describing the pro bono recruitment campaign and the work of the Local Pro Bono Committee.

HELPFUL TIPS:

- The Maryland Lawyers Care Brochures list statewide and county-specific pro bono programs and legal services available to the public. (See Appendix K for a sample Maryland Lawyers Care Brochure.) Brochures for each county are available from the Pro Bono Resource Center. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org.)
- The Pro Bono Attorney Registration form used by the Pro Bono Resource Center is available at Appendix L.
- At least one pro bono coordinator should be available for new pro bono attorneys recruited during the campaign and should have a supply of cases screened for eligibility and immediately available for placement.
- The ABA Center for Pro Bono recommends holding telethons during which pro bono attorneys call bar members in their personal acquaintance to invite them to participate in the pro bono effort. (Other suggestions for recruitment programs are also available at www.abanet.org/legalservices/probono/recruiting/html.)
- Plan the celebration event and awards ceremony in conjunction with the local bar annual meeting or another bar event.

Comments: *Establishing a partnership with the local bar association is a valuable tool for enhancing the effectiveness of the work of the Local Pro Bono Committee. Bar associations, large and small, are uniquely situated to reach the full spectrum of attorneys practicing in the county or region. Engaging the local bar leadership in the pro bono effort energizes the legal community and provides an already existing institutional structure for recruitment efforts.*

[Note: Lack of interest in pro bono on the part of the local bar leadership does not prevent the Local Pro Bono Committee from initiating a recruitment campaign in conjunction with the local pro bono service programs and legal services agencies. A letter from the County Administrative Judge rather than the bar president would kick off the campaign quite effectively.]

BEST PRACTICES FOR Volunteer Recruitment

BEST PRACTICE #2 NEW *AND* RETIRED ATTORNEYS

Target new admittees, young lawyers and retired attorneys to volunteer for pro bono service.

WHAT TO DO:

- Send a letter to the new admittees each year reminding them of their obligations under Rule 6.1 and the aspirational goal of 50 hours of pro bono service for each attorney.
- Include in the letter information regarding local pro bono programs and the range of pro bono opportunities available in the county or region, as well as a Pro Bono Attorney Registration Form.
- Hold a cocktail hour welcome event for new admittees and young lawyers to introduce them to the Local Pro Bono Committee members and pro bono providers. Co-sponsor the event with the local bar association.
- Send a letter to retired and transitioning attorneys explaining the attorney emeritus rules and pro bono opportunities in the area, including mentoring, training and other short-term pro bono options.
- Create a pro bono project for retired attorneys to work with low-income senior citizens on issues such as Medicaid, Social Security, wills and advanced directives.
- Create a pro bono project for retired attorneys to work with a targeted population, such as veterans who are homeless or at risk of homelessness.

HELPFUL TIPS:

- The letters to new admittees and retired attorneys will be most effective if sent by the Local Committee jointly with the County Administrative Judge or the local bar association president.
- The Pro Bono Attorney Registration form used by the Pro Bono Resource Center is available at Appendix L.
- The cocktail hour welcome event for new admittees could also function as a fundraiser for a local pro bono program.
- Exceptions to MD Rule 16-811 (Client Protection Fund) and Rule 1-312 (maintaining a law office) permit retired lawyers to perform pro bono service. (For the attorney emeritus Rules provisions, see Appendix M).

Comments: Young lawyers and retired lawyers are frequently untapped resources for pro bono service. Particularly during the current economic downturn, when many new admittees and young lawyers are unemployed or underemployed, pro bono work provides them with an opportunity to develop essential lawyering skills and learn substantive areas of law. For those new admittees and young lawyers who are employed, the opportunity to represent a low-income client in a matter of critical importance in their life is often the most interesting and compelling work they do as an associate in a law firm. Pro bono cases give young associates the opportunity to take full responsibility for a matter, conduct discovery and try a case on their own often many years before they do so at their firm.

Many retired attorneys are unaware that the Maryland Rules have been amended to create exceptions to requirements that previously prohibited them from doing pro bono work. Rule 16-811 was amended to waive Client Protection Fund fees for inactive/retired attorneys whose practice of law solely involves work with a legal services program representing clients without compensation. Rule 1-312 was amended to permit an attorney who does not maintain a law office to sign pleadings and papers if the attorney's practice is limited to work with a legal services program. With these restrictions lifted, retired attorneys with their years of experience and knowledge of the law are a wonderful resource for client representation as well as mentoring and training of volunteer lawyers.

BEST PRACTICES FOR Volunteer Recruitment

BEST PRACTICE #3 GOVERNMENT LAWYERS

Target government attorneys employed in County Offices of Law, the Public Defender's Office, the State's Attorney's Office, the Maryland Attorney General's Office, and with the Federal Government to volunteer for pro bono service.

WHAT TO DO:

- Create a subcommittee of the Local Committee to identify the appropriate focus of a pro bono initiative targeting government attorneys in your county or region.
- Contact the State's Attorney, the County Attorney, and other chief counsel of local government offices to discuss their existing pro bono policy and the options available for lifting any restrictions on pro bono service.
- Work with the local government offices that prohibit or restrict pro bono to develop a policy that facilitates pro bono service by their attorneys.
- Work with government offices that have adopted a liberal pro bono policy to encourage the performance of pro bono service in their office.
- Develop a presentation for Local Committee members to make to government attorneys explaining the unmet need for legal services, describing the pro bono and legal services programs in their area and introducing them to the many varied pro bono opportunities available to government attorneys.

HELPFUL TIPS:

- The Standing Committee on Pro Bono Legal Service has drafted a Model Pro Bono Policy for Government Attorneys available at Appendix N. For an electronic copy, contact PBRC at 410-837-9379, 800-396-1274 or sgoldsmith@probonomd.org.
- The pro bono policies of State's Attorney and County Law Offices vary from county to county. (For a sample State's Attorney's policy, County Law Office policy, and the Baltimore City Solicitor's policy, see Appendix O).
- The Maryland Attorney General's Office and the Office of the Public Defender have adopted pro bono policies. For copies, contact PBRC at 410-837-9379, 800-396-1274 or sgoldsmith@probonomd.org.
- The United States Department of Justice has a pro bono manager and a pro bono policy that permits federal attorneys to provide pro bono service in a wide variety of matters. (The Justice Department pro bono policy is available at www.justice.gov/jmd/ethics/docs/probonopol_pol.htm.)

***Comments:** The most recent Maryland Pro Bono Reporting Results indicated that there are 4,673 lawyers in Maryland who list "government agency" as their place of business. Many government attorneys believe they are prohibited from performing pro bono service, particularly direct representation of clients, even when their employer has a written policy permitting pro bono or has no policy at all. Of those government offices that do permit pro bono, some do not actively encourage pro bono or do not provide their attorney employees with information about pro bono opportunities. Government attorneys are a large untapped resource for pro bono service. Given the unmet need in legal services, the current crisis in funding, the recent creation of the Access to Justice Commission, and the vocal support of the Court of Appeals for pro bono, Local Committees have strong arguments to support their efforts to open local government offices to pro bono and encourage government attorneys to fulfill their obligation under Rule 6.1.*

BEST PRACTICES FOR Volunteer Recruitment

BEST PRACTICE #4 PROMOTING PRO BONO *IN THE* MEDIA

Engage local pro bono attorneys, staff from local pro bono programs and legal services organizations, and members of the Local Pro Bono Committee in writing articles about pro bono for the local bar journal or newsletter, as well as local newspapers and magazines.

WHAT TO DO:

- Utilize contacts with the local bar association to arrange for the publication of an article, a series of articles or a regular column about pro bono and legal services issues in the local bar journal or newsletter. Editors of bar publications typically are happy to publish articles proposed to them about topics that are relevant and important to the legal community.
- Explore contacts that members of the Local Pro Bono Committee may have with reporters or the editorial staff of the local newspaper, business journal or community newsletters. Approach those contacts with a proposal for an article, a series of articles or column about pro bono and legal services in your community.
- Encourage members of the pro bono and legal services community to write articles about their experiences doing pro bono work.
- Tap the staff of local pro bono programs and legal services providers, who often have stories about pro bono cases and issues that are worthy of publication.

HELPFUL TIPS:

- If a newspaper reporter is interested in personally writing a story about pro bono, contact the local pro bono programs to learn of clients with cases appropriate for news coverage and facilitate the introduction of the reporter to the client and the pro bono attorney. (Note: Confirm with the attorney that there are no confidentiality or attorney-client privilege issues or other risks to the client.)
- The Foreclosure Prevention Pro Bono Project and the Debtor's Assistance Project can provide names of pro bono attorneys in your county or region who have participated in their programs and may have a story worthy of publication. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org.)
- Data and statistical analysis regarding the unmet need for legal services for use in news articles are included at Appendix A, and are also available on the Maryland Legal Services Corporation website, www.mlsc.org, and the Maryland Access to Justice Commission website, www.courts.state.md.us/mdatic/.

Comments: The effectiveness of a well-placed newspaper article or newsletter column in advancing the pro bono recruitment effort cannot be overstated. The personal accounts of pro bono clients are frequently astonishing stories of courage and fortitude in the face of great misfortune. Many pro bono cases are cautionary tales about the failings in our justice system that resonate deeply with members of the public and with potential volunteer attorneys. In the current economic recession, many readers are deeply empathetic to the plight of victims of fraudulent lending practices or other economic scams. Disseminating the stories of pro bono clients helps not only to raise awareness of the injustices in our legal and economic systems, but also to motivate members of the legal community to aid the disadvantaged by providing pro bono legal services.

Publishing stories about pro bono cases and initiatives has several other benefits as well. Articles in general circulation newspapers or community newsletters raise public awareness about the availability of pro bono services for those who are eligible. News articles also provide an opportunity to educate the public about the unmet need for civil legal services. Finally, information about pro bono work by attorneys provides the public with a positive image of the lawyers in their community.

BEST PRACTICES FOR Volunteer Recruitment

BEST PRACTICE #5 CAMPAIGN FOR “50 HOURS”

Request the County Administrative Judge to send a letter to all local attorneys encouraging them to meet the aspirational goal of 50 pro bono hours annually set forth in Rule 6.1 and informing them of the Local Pro Bono Committees’ goal to increase participation in pro bono service by 20% within two years.

WHAT TO DO:

- Engage the County Administrative Judge or another appropriate member of the judiciary to participate in the pro bono recruitment campaign.
- Provide a draft letter to the Administrative Judge regarding the pro bono recruitment campaign setting forth the goals of the Local Pro Bono Committee and court’s support of those goals.
- Prepare a packet of materials with data and statistical analyses about the unmet need for legal services and the importance of the bar’s participation in pro bono service for inclusion with the letter.
- Include in the materials testimonials from pro bono attorneys describing the value of the pro bono experience.
- Enclose with the letter a list of pro bono programs in the county that have cases ready to be placed with new pro bono attorneys, as well as information about short-term pro bono opportunities such as self-help clinics or advice and counsel workshops for attorneys unable or unwilling to provide direct representation.

HELPFUL TIPS:

- The chair of the Local Committee or a judicial member of the Committee should contact the County Administrative Judge if he or she is not already involved in the Local Committee's work to discuss sending the recruitment letter.
- Data and statistical analyses regarding the unmet need for legal services are available at Appendix A, as well as the Maryland Legal Services Corporation website, www.mlsc.org, and the Maryland Access to Justice Commission website, www.courts.state.md.us/mdatic/.
- A sample Maryland Lawyers Care Brochure listing local and statewide pro bono programs and legal services providers is available at Appendix K.

Comments: A letter from the County Administrative Judge is a strong incentive for local attorneys to take seriously their obligation under Rule 6.1 and begin to provide pro bono representation if they have not already done so. Publicizing the Local Committee's goal of achieving 100% participation in pro bono service within two years (or whatever time period deemed appropriate by the Local Committee), is the most effective way to get the word out to the bar about the initiative. And having the County Administrative Judge encourage attorneys to meet the aspirational goal of 50 hours of pro bono annually highlights the importance the judiciary places on the bar's adherence to the intent and spirit of Rule 6.1.

BEST PRACTICES FOR Volunteer Recruitment

BEST PRACTICE #6 VOLUNTEER SURVEYS

Send a survey to the attorneys in your county to determine their practice areas, need for pro bono trainings and willingness to take cases in a variety of substantive areas. Collate the information and distribute it to local pro bono programs and legal service organizations.

WHAT TO DO:

- Send a detailed survey to all attorneys on the Client Protection Fund list for your county or region listed in the Maryland Lawyer's Manual.
- Request the following information on the survey:
 - Primary practice areas
 - Language fluency
 - Areas in which willing to provide direct pro bono service
 - Areas in which willing to provide pro bono service with training and/or mentor
 - Areas in which need or interested in training
 - Willingness to serve as trainer or mentor
 - Previous difficulties with providing pro bono service in your county
 - Prior experience with screening and referral process
 - Amount of pro bono service performed each year

- Collate the information and prepare a list of attorneys willing to take pro bono cases by substantive area to distribute to pro bono programs and legal services providers.

HELPFUL TIPS:

- The Howard County Pro Bono Committee has developed a seven page survey for attorneys asking the information discussed above and much more. (Survey available at Appendix P).
- The Pro Bono Resource Center is available to provide assistance in drafting surveys and conducting data analysis of the completed surveys. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org).

***Comments:** The Attorney Survey developed by the Howard County Pro Bono Committee is a detailed and thorough questionnaire that seeks information about a wide range of issues related to pro bono service, including language fluency and experience working with immigrant and non-English speaking communities. The information obtained from the survey enables the Local Committee to develop a list of attorneys willing to take pro bono cases by substantive area that can be distributed to all pro bono programs and legal services providers in the county.*

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section C

Training Volunteers

INTRODUCTION

Training programs are one of the most valuable tools available to Local Pro Bono Committees because they serve multiple goals in the effort to increase pro bono participation. Training programs are excellent recruitment tools, particularly when the training is free to attorneys who pledge to take a pro bono case in exchange for the program. Trainings provide an opportunity for volunteer attorneys to take cases outside of their normal practice area by giving them the means to handle the matter competently and confidently. Training programs allow experienced attorneys to perform short-term pro bono service by teaching as faculty in the program. Training programs also provide an opportunity for attorneys to network and become a part of the pro bono service community. And most importantly, the quality of the pro bono legal services rendered to clients is enhanced significantly when training programs are available to help attorneys increase their knowledge and skills in a particular substantive area.

BEST PRACTICES* FOR *Training Volunteers

BEST PRACTICE #7 FREE TRAININGS *FOR* PRO BONO PLEDGES

Coordinate with local pro bono programs and legal services organizations to develop a free volunteer training for attorneys who pledge to take one pro bono case or render a designated number of pro bono hours of service.

WHAT TO DO:

- Work with local legal services providers to identify the substantive areas of greatest need for legal representation for low-income residents in your county or region.
- Identify attorneys from the local bar and legal services staff who could serve as faculty to conduct a training or trainings in the substantive areas of greatest need.
- Where appropriate, engage judges, masters and court personnel in the training to discuss best practices and procedures when appearing before the court in the particular types of cases.
- Publicize the training through all possible resources – bar publications, e-mail blasts, flyers, announcements at bar meetings, and even personal phone calls in smaller jurisdictions.
- Work with the local pro bono program or legal services provider to ensure that there are screened cases in the appropriate substantive area ready to be placed with the new volunteers at the conclusion of the training.

HELPFUL TIPS:

- The Pro Bono Resource Center conducts regular trainings and can assist in organizing trainings throughout the state. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org).
- Online trainings are available in select areas of the law such as Foreclosure Prevention and Consumer Bankruptcy, which are available via webcast or video replay class with a live Q & A that can be conducted throughout the state. (For information, contact the Pro Bono Resource Center at 410-837-9379, 800-396-1274 or foreclosure@probonomd.org).

Comments: There was unanimous agreement at the Local Pro Bono Committee Chairs Meeting in November of 2009 that offering free training to attorneys in exchange for taking a pro bono case was the best way to recruit new volunteers. Attorneys are especially interested in receiving materials provided at trainings, including form pleadings, procedural guidelines, legal research and synopses of cases, client interview questions and “to do” lists. Particularly in areas of the law dealing with sensitive issues such as domestic violence, or cultural differences such as immigration, trainings can be an excellent forum not only to discuss the relevant law and procedure, but also to explore the challenging social, cultural and political issues raised by matters frequently handled by pro bono attorneys.

BEST PRACTICES* FOR *Training Volunteers

BEST PRACTICE #8 TRAININGS FOR EXPERIENCED ATTORNEYS

Develop a “Best Practices” training for experienced pro bono attorneys to address the challenges and nuances of a particular type of case, e.g. child custody, when the poverty of the client significantly impacts the handling of the case.

WHAT TO DO:

- Consult with local pro bono programs, legal services providers and experienced pro bono attorneys to identify the types of pro bono cases that pose particular challenges and difficulties for experienced attorneys due to the client’s poverty.
- Identify faculty from the staff of legal services providers, local or statewide, with experience addressing the special challenges that arise when representing low-income clients in this area of law.
- Organize the training as a round-table or other informal arrangement to increase comfort levels and encourage free-flowing discussion.
- Determine whether to make the program “invitation only” or open it to any interested attorney experienced in the substantive area.
- Invite local judges and masters to participate in the training to gain their insights on the issue as well as to educate them about the impact of poverty upon litigants in these types of cases.

HELPFUL TIPS:

- The Pro Bono Resource Center has suggestions for faculty who can address the impact of a client's poverty on legal representation in a variety of civil legal matters and could facilitate the discussion. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org.)
- Resources on poverty law issues are available from the Sargent Shriver National Center on Poverty Law at www.povertylaw.org.

***Comments:** Burn out is a serious issue for dedicated pro bono attorneys who regularly work with poor and low-income clients. Providing a forum for discussing the complex problems and challenges these attorneys face (e.g. illiteracy, drug or alcohol addiction), is both an educational tool and a method of support for the attorney. Creating a community of like-minded lawyers who can call upon each other to brainstorm when faced with difficult issues in a pro bono case is another invaluable form of support worth providing to experienced pro bono attorneys. The “Best Practices” training would create such a community by allowing participating attorneys who do not know each other to meet and exchange contact information. Even for attorneys who are acquainted, it would provide an opportunity for open and frank discussion about some of the challenges they face when representing low-income clients.*

BEST PRACTICES* FOR *Training Volunteers

BEST PRACTICE #9 TRAININGS FOR NON-LITIGATORS

Develop a training program for non-litigators in areas such as will preparation, criminal record expungements, employment counseling, contract dispute resolution, low-income taxpayer representation or community development.

WHAT TO DO:

- Work with local pro bono programs and legal services providers to identify the types of non-litigation cases that are the highest priority for low-income residents in your county or region.
- Identify experienced attorneys from the local bar and legal services staff to serve as faculty to conduct trainings in one or more of those areas.
- Locate a free venue for the training such as an auditorium at a local college or community center.
- Publicize the training through all possible resources – bar publications, e-mail blasts, flyers, announcements at bar meetings and relevant bar section meetings.
- Require all participating attorneys to pledge to represent one or two pro bono clients in exchange for attending the training program free of charge.
- Work with the local pro bono programs and legal services providers to ensure that there are screened cases in the appropriate substantive area ready to be placed with the new volunteers at the conclusion of the training.

HELPFUL TIPS:

- The Pro Bono Resource Center can provide logistical support and technical assistance for non-litigation trainings conducted throughout the state, as well as direct the Local Committee to local providers who can provide faculty for non-litigation trainings. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org).
- The Homeless Persons Representation Project can conduct criminal record expungement trainings and veterans' benefits trainings throughout the state. (Contact HPRP at 410-685-6589, ext. 14 or hprpprobono@hprp.org).
- The Maryland Volunteer Lawyers Service conducts trainings on a variety of non-litigation substantive matters, including tax and community development. (Contact MVLS at 410-539-6800 or info@mvslaw.org).

***Comments:** Involving non-litigators in pro bono work, and providing the training necessary for them to do so, are crucial elements in the effort to increase pro bono participation. In addition to those substantive matters listed in Best Practices #9, non-litigators can be trained to prepare advanced directives and other end-of-life documents, work with immigrants at green card workshops or help them apply for citizenship, negotiate on behalf of clients in unemployment and Social Security matters, and serve as general counsel to community organizations. Creative thinking is essential in developing plans to engage transactional, corporate and business attorneys in pro bono work and identifying the ways in which their well-developed skills are easily transferred to matters of importance to pro bono clients.*

BEST PRACTICES FOR Training Volunteers

BEST PRACTICE #10 WORKING *WITH* IMMIGRANT CLIENTS

Develop a training program or a training module for new pro bono attorneys that addresses the cultural, racial, ethnic, and poverty issues that face attorneys handling a variety of pro bono matters with immigrant clients.

WHAT TO DO:

- Consult with local pro bono programs and legal services providers to determine the types of case handled and population of clients most often represented by volunteer attorneys and, therefore, the language, cultural and other challenges most frequently encountered by pro bono attorneys in your county or region.
- Consider the need for training on the use of interpreters in case preparation and in the courtroom.
- Consider the need for training on the religious and cultural practices of a particular immigrant group if there is a large immigrant population from a particular country or region of the world in your county.
- Determine whether the program would be most well received as a stand-alone training or a training module to be included in all substantive trainings.
- Publicize the training through numerous resources – bar publications, e-mail blasts, flyers, announcements at bar meetings and relevant bar section meetings.

HELPFUL TIPS:

- Providing guidance to new pro bono attorneys regarding cultural and religious differences before they are encountered in a case can dramatically improve the experience of the pro bono attorney and enhance the outcome of the case.
- The Pro Bono Resource Center can suggest faculty to address the challenges of working with clients who have limited English proficiency and come from countries and cultures unfamiliar to many Maryland attorneys. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org.)
- Resources for working with immigrant and non-English speaking clients can be found on the American Immigration Lawyers Association website, www.aila.org and the National Immigration Law Center website, www.nilc.org.

***Comments:** In some counties in Maryland, the number of immigrants has grown so rapidly that immigrants are now the majority of those eligible for legal services. Language barriers, as well as cultural and religious differences, thus become significant issues in what might appear to be a simple child custody or landlord-tenant case. Lack of understanding of the cultural and religious traditions of a client, many of which revolve around gender, can lead to confusion and undercut the attorney-client relationship. Developing culture literacy thus has become an important skill for pro bono attorneys.*

Learning to work with interpreters efficiently and effectively has also become a necessary skill for pro bono attorneys. In addition, many pro bono cases, particularly involving family (and criminal) law, have major immigration consequences that are unknown to many practitioners. Providing pro bono attorneys with the tools necessary to flag such problems and seek expert advice is essential to ensuring that they provide the highest quality legal services to their clients.

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section D

Support and Resources for Pro Bono Attorneys

INTRODUCTION

The greater the array of support and resources available to pro bono attorneys, the more likely it is that their experience will be positive and they will volunteer for additional cases or matters. Support and resources that pro bono attorneys value most include trainings and training materials such as sample forms and pleadings, client intake and screening for income eligibility, mentoring programs, compilations of information regarding the local legal and social services available to indigent clients, and information regarding malpractice insurance and the availability of litigation funds. Even some recruitment methods are support for pro bono attorneys -- for example, social functions which provide opportunities to meet judges, other pro bono attorneys and pro bono and legal services providers create a community of support for volunteer attorneys and enhance their pro bono experience.

BEST PRACTICES FOR Support and Resources

BEST PRACTICE #11 INTAKE *AND* ELIGIBILITY SCREENINGS

Provide intake and financial eligibility screening of all clients placed with pro bono attorneys.

WHAT TO DO:

- In counties with local pro bono programs, work with your program to ensure that each case placed is sent to the volunteer attorney with all relevant personal and procedural information, a summary of the facts, and a determination of income eligibility.
- In counties where pro bono referrals are made by local legal services providers, work with the pro bono coordinators of those programs to ensure that the information outlined above is included with every case placed with a pro bono attorney.
- In counties where there is no pro bono coordinator, seek funding to engage a coordinator for pro bono services throughout the county or region to be housed with an existing legal services provider.
- In small counties, recruit a volunteer lawyer or lawyers to provide intake and screening on a part-time basis.
- In small counties, establish a contact for the statewide or region pro bono program who is a local attorney or a Local Committee member to serve as a “point person” for referrals in the county.

HELPFUL TIPS:

- The Pro Bono Resource Center can provide intake and income eligibility screening forms from a variety of programs to be used for pro bono cases. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org.) A sample intake and income eligibility screening form is available at Appendix Q.
- Income eligibility guidelines for MLSC grantees and for the Legal Aid Bureau are available at Appendix F and Appendix G.
- The MLSC website provides information about their funding process and a grant application packet for use when submitting a grant proposal to fund a pro bono coordinator. (Available at www.mlsc.org/grants/htm.)
- Other sources of funding for pro bono services may be available through the local bar association, local foundations and community organizations and private individuals, including members of the bar.
- Retired attorneys and government attorneys can serve as volunteer pro bono screeners in areas where there is no pro bono coordinator.

Comments: *The most frequent request of pro bono attorneys is that all new clients undergo an intake procedure and screening for income eligibility before the lawyer receives the pro bono case. This should be a priority issue for Local Committees in all counties that do not have a pro bono program. Experience has shown that the local presence of a pro bono coordinator is key to the success of a pro bono effort. The information obtained by a trained pro bono coordinator during intake and eligibility screening allows pro bono attorneys to: 1) assess whether the case is an appropriate one for them to accept, and 2) work more efficiently with the client to identify the client's needs and goals. Local Committees should make every effort to assure that intake and screening procedures are in place in their county or region, calling upon volunteers to perform intake and screenings if no funding is available for a paid pro bono coordinator.*

BEST PRACTICES FOR Support and Resources

BEST PRACTICE #12 MENTORING PROGRAMS

Establish a mentoring program for experienced attorneys willing to work with volunteers who take cases in areas outside their normal practice.

WHAT TO DO:

- Develop a mentoring program by identifying the substantive areas where there is the greatest need for pro bono attorneys in your county or region and identifying attorneys with more than five/ten years experience in those practice areas.
- Work with the local bar association to co-sponsor the mentoring program and assist in identifying and contacting experienced attorneys to participate.
- Encourage retired attorneys to participate as mentors in the program.
- Provide a list of available mentors and their practice areas to local pro bono programs and legal services providers.
- Make the list available to all pro bono attorneys when they accept a new case or matter.
- Hold a kick-off event to publicize the mentoring program in conjunction with the bar association.
- Target young lawyers and new admittees to invite to the mentoring event.

HELPFUL TIPS:

- The local bar association is an excellent partner for a pro bono mentoring program, as it can provide the necessary infrastructure for managing and publicizing the program, as well as encourage its members to participate.
- Past bar presidents and other well-respected members of the legal community should be sought out to participate and engage in recruiting mentors and publicizing the program.
- PBRC has a mentoring program in conjunction with the Young Lawyers Section of the MSBA. For information, contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org.
- The ABA has numerous resources available on line for establishing a mentoring program. They are available at www.abanet.org/mentoring.
- Providing logistical support for the mentoring program can be a project of the local bar association, the Local Pro Bono Committee, or apportioned between the two.

***Comments:** Mentoring programs serve four important goals in the delivery of pro bono service. First, they provide volunteer attorneys with critical support when they accept cases outside their normal practice areas. Knowing they have an expert to call upon for advice during their representation of a client in an unfamiliar substantive area allows pro bono attorneys to branch out into new areas with confidence. Second, mentoring programs provide an excellent opportunity for short term, non-representational pro bono service for experienced and retired attorneys. Third, mentoring programs provide a wonderful networking opportunity for young attorneys who are just beginning their legal careers. Fourth, and most importantly, mentoring programs help to assure that pro bono clients receive the highest quality legal services from the volunteer lawyers who represent them.*

BEST PRACTICES FOR Support and Resources

BEST PRACTICE #13 EMAIL DISTRIBUTION LISTS (LIST SERVES)

Participate in the statewide pro bono list serve and/or establish a local list serve that matches local practitioners with available pro bono cases.

WHAT TO DO:

- Encourage local volunteer attorneys to join the statewide pro bono list serve and send their names to PBRC to be added to the statewide list serve.
- Determine if it would be useful to establish a local list serve as well.
- Coordinate with the local pro bono programs and legal services providers in your county or region to determine which program will be responsible for managing and distributing the local list serve.
- Develop a system for the submission of case descriptions by providers to the list serve coordinator on a bi-weekly or monthly basis.
- Determine the frequency of the list serve distribution to its members.
- Ensure that all cases submitted to the local list serve are also sent to the statewide list serve for wide circulation.
- Work with the local bar association to co-sponsor the list serve and recruit names of interested attorneys.
- Provide a mechanism for pro bono attorneys working in courthouse self-help clinics to submit information about pro se clients seeking representation to the list serve once screened by a legal services program.

- Send a letter to all attorneys in the county announcing the list serve and inviting them to join it.
- Publicize the kick-off of the list serve with an article in the local bar association journal or newsletter.

HELPFUL TIPS:

- The Pro Bono Resource Center has a bi-weekly pro bono list serve with information about available pro bono cases, trainings, and events statewide. Local Committees and local legal services providers are encouraged to submit cases to the statewide list serve, on which they can be arranged by county. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org.)
- Structure the local list serve so that an interested attorney contacts directly the source of the case information, (e.g. the Legal Aid Bureau), reducing the administrative work for the list serve coordinator.
- An informational list serve can also serve as a forum for pro bono attorneys to discuss issues and challenges that arise in their cases.

***Comments:** Including specific cases or opportunities on a list serve can help to increase the participation of the local bar in pro bono representation by providing attorneys with a regular opportunity to review the types of pro bono cases available. A local list serve also may reduce the work of the local pro bono coordinator/s by regularly publicizing available pro bono cases. The list serve may be used to distribute information about trainings, social events and career opportunities in the pro bono services community as well. List serves often create a sense of community among the participants, and a local pro bono list serve may become an avenue of communication among pro bono attorneys seeking general advice or information on pro bono matters. Should that occur, guidelines must be issued to assure that no confidential information about clients is revealed in list serve discussions.*

BEST PRACTICES FOR Support and Resources

BEST PRACTICE #14 AVAILABLE RESOURCES

Utilize existing resources and publicize the support available for attorneys in Maryland representing pro bono clients.

WHAT TO DO:

- Distribute the *Maryland Lawyers Care Brochure* for your county or region to all pro bono attorneys, pro bono programs, legal services providers, courthouse pro se clinics and social service agencies in the area.
- Publicize the comprehensive *Guide to Legal Services in Maryland* and encourage pro bono programs and legal services providers to use the *Guide* as a resource manual.
- Advertise the availability of malpractice insurance for volunteer attorneys accepting pro bono cases from all MLSC funded programs even when the attorney has existing coverage.
- Provide information to the local bar membership about litigation funds available to pro bono attorneys working through a Maryland Legal Services Corporation funded program administered by the Pro Bono Resource Center.
- Publicize the automatic waivers of filing fees and court costs for pro bono clients referred by MLSC funded pro bono programs and legal services providers.
- Advertise the availability of pro bono or discounted process servers, court reporters, paralegals, and investigative services to attorneys representing pro bono clients.

HELPFUL TIPS:

- The Maryland Lawyers Care Brochures list statewide and county-specific pro bono programs and legal services available to the public. (See Appendix K for a sample Maryland Lawyers Care Brochure.) Brochures for each county are available from the Pro Bono Resource Center. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org.)
- The *Guide to Legal Services in Maryland* provides information about all legal services providers and resources in the state. The hardcopy of the Guide is currently being updated. However, an online version of the *Guide* is available on line through the Peoples Law Library at www.peoples-law.info.
- PBRC administers litigation funds available to reimburse pro bono attorneys for non-routine case expenditure such as mileage, extensive copying, registered and express mail and some discovery costs, including expert witness fees. Pro bono attorneys should contact PBRC at 410-837-9379 or 800-396-1274 for information about the availability of funds.
- Information regarding malpractice insurance and pro bono process services, court reporters, investigators and paralegals is available from the Pro Bono Resource Center at www.probonomd.org or 410-837-9379 or 800-396-1274.
- Local Committee members should reach out to local process servers, court reports and investigators and encourage them to donate or discount their services for pro bono cases.

Comments: *Local Pro Bono Committees can make use of already existing resources to advertise and promote pro bono services, as well as provide individual attorneys, pro bono programs and legal services organizations with readily accessible information about local and statewide services. These readily available resources are powerful recruitment tools for Local Pro Bono Committees as they work to increase pro bono participation.*

BEST PRACTICES FOR Support and Resources

BEST PRACTICE #15 BAR FOUNDATION PROGRAMS

If there is no local or regional pro bono program, establish a bar foundation pro bono program to provide screening and intake of clients, recruit pro bono attorneys, refer cases to volunteer lawyers and hold award ceremonies to recognize outstanding volunteers.

WHAT TO DO:

- Explore with local bar association leadership the possibility of establishing a bar foundation pro bono program.
- Meet with the executive director of the county bar foundation in Allegany, Harford, Montgomery or Prince George's County to study their models for a bar foundation pro bono program.
- Research funding sources such as county grants, private endowments and MLSC funding.
- Develop a bar foundation capital campaign to raise start-up funds for the pro bono program.
- Discuss the possibility of collaborating on space and other resources with local legal service providers.
- Seek the support of judiciary and local politicians in establishing the bar foundation pro bono program.
- Form a board of directors of the bar foundation and establish an organizational structure and by-laws.
- Hire a pro bono coordinator and administrative assistant to staff the bar foundation pro bono program.

HELPFUL TIPS:

- The National Conference of Bar Foundations website has a wealth of information on forming a bar foundation, including a *Complete Guide to Bar Foundations* available free with membership at www.ncbf.org/resources.htm.
- The ABA Standing Committee on Pro Bono and Public Service offers advice on establishing a bar foundation pro bono program as well as the manual, *Making Pro Bono a Priority: A Bar Leaders Handbook*, at its website, www.abanet.org/legalservices/probono/bar_associations.html.
- Sample forms available on the ABA Pro Bono website include a memorandum of understanding between the Montgomery County Bar Foundation and the Montgomery County Bar Association, www.abanet.org/barserv/library/f/foundation_association_relationships/1975.pdf, as well as management service agreements and expense sharing agreements from bar foundations around the country. See generally, www.abanet.org/barserv/library/f/foundation_association_relationships/4185.pdf

Comments: *The importance of having a local pro bono program in each county or region cannot be stressed enough. Particularly outside of metropolitan areas, the existence of a pro bono program to serve as a central coordinator to recruit volunteers, provide intake and income eligibility screening, refer cases, and recognize pro bono attorney work is key to sustaining the pro bono effort. Involving the local bar association in forming a bar foundation pro bono program sends the message to the legal community that providing pro bono service to the county's poor is a top priority. The Local Pro Bono Committee can play a pivotal role in launching a campaign to form a bar foundation pro bono program to help fill the gap in the provision of legal services.*

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section E

Volunteer Recognition

INTRODUCTION

Volunteer recognition, like volunteer training, serves multiple goals in the pro bono effort and is an essential component of a successful pro bono campaign. Award ceremonies recognize the work of outstanding pro bono attorneys and convey the respect and gratitude of the legal community. Recognition events are good recruitment tools, encouraging other attorneys to take up the pro bono cause as they hear about the positive experiences of their pro bono colleagues and see the valuable publicity they receive. Events honoring pro bono attorneys also provide an opportunity for the staff of legal service organizations and social services agencies to network with local lawyers and share information about projects and areas of need. Finally, volunteer recognition events create a community for pro bono attorneys and help reenergize everyone engaged in the pro bono effort.

BEST PRACTICES FOR Volunteer Recognition

BEST PRACTICE #16 ANNUAL AWARDS CEREMONY

Plan an annual pro bono awards ceremony to recognize outstanding pro bono service.

WHAT TO DO:

- Determine the best model for an annual pro bono award ceremony in your county or region, for example:
 - A joint awards ceremony and dinner or luncheon event with one or more pro bono programs and legal services providers.
 - An awards ceremony held in conjunction with the annual meeting of the local bar association.
 - An awards ceremony held as part of another type of local bar event, such as a golf outing, bull roast or annual picnic.
- Engage the County Administrative Judge and other local judges to present awards and participate in the program.
- Profile a successful case, matter or project for special recognition during the event.
- Invite a well-known figure in the local bar or in the Maryland legal services community to be the keynote speaker.
- Have a client who has been well served by a pro bono attorney speak about his or her experience.
- Target particular demographics of the volunteer community for awards – solo practitioners, small law firms, large firms, government attorneys and offices or corporate counsel offices.

HELPFUL TIPS:

- In large metropolitan areas, co-sponsoring an award ceremony with the local bar and the various specialty bars can increase participation and provide an opportunity for networking among members of the various bar associations.
- The ABA Center for Pro Bono provides sample award certificates and other documents on its website at www.abanet.org/legal/services/probono/recognition.html.
- The awards ceremony program should include a list of all attorneys in the county who have rendered pro bono service during the past year, in addition to listing the award winners.
- Include an award for significant financial contributions to the pro bono effort by a law firm or individual attorney.

Comments: Holding an awards ceremony, whether as a stand-alone event or in conjunction with a bar association event, is an ideal way to thank exceptional pro bono attorneys and honor them for their hard work and dedication. Recognition events may also be successful fundraisers for a local pro bono program or legal service organization; however, in counties with multiple pro bono programs or legal services organizations, it may be inappropriate for the Local Pro Bono Committee to participate in fundraising for one program or organization and not the others.

BEST PRACTICES FOR Volunteer Recognition

BEST PRACTICE #17 PRO BONO HONOR ROLLS

Work with the judiciary to create an Honor Roll of pro bono attorneys who have met or surpassed the goal of 50 pro bono hours annually.

WHAT TO DO:

- Engage the County Administrative Judge and other judges to work with the Local Committee to establish a Pro Bono Honor Roll.
- Create a subcommittee of the Local Committee to identify attorneys in the county or region who have met or surpassed the annual goal of 50 hours by:
 - Contacting local pro bono programs and legal services providers to obtain names of lawyers who provide substantial pro bono services.
 - Sending a letter to those attorneys asking them to confirm they have met or surpassed the 50 hour goal of pro bono service.
 - Sending a letter to all county attorneys asking them to identify themselves to the Local Committee if they have met or surpassed the 50 hour goal for pro bono hours volunteered the preceding year.
- Obtain a large plaque to be displayed prominently in the courthouse and/or local bar association headquarters identifying Honor Roll winners for the current year and future years.
- Include Honor Roll winners in the awards ceremony held each year.

- Publish the names of the annual Pro Bono Honor Roll attorneys in an article about pro bono in the bar journal or newsletter or in the local or community newspaper.

HELPFUL TIPS:

- The letter sent to county attorneys should include a form asking qualifying attorneys to identify the referral program from which they received clients, or the Self-Help Clinic or other pro bono program with which they volunteered their time. Attorneys who performed independent pro bono will be limited to identifying the number and types of cases in which they represented pro bono clients to preserve client confidentiality.
- The Honor Roll subcommittee should seek names of attorneys who qualify for the Pro Bono Honor Roll not only from local pro bono programs and legal service organizations, but also from courthouse Self-Help Clinics, “Ask a Lawyer” programs, and other initiatives regularly staffed by pro bono attorneys.
- Invite law firms to nominate their attorneys who have met or surpassed the 50 hours goal to the Honor Roll.

***Comments:** Creating an Honor Roll of attorneys who meet or surpass the goal of 50 hours of pro bono service each year is an important tool for pro bono recognition. With an Honor Roll plaque prominently displayed at the local courthouse and/or bar association headquarters, local attorneys will have a regular reminder about the importance of pro bono service. In addition, publicizing the list in bar and community publications not only pays tribute to the work of dedicated pro bono attorneys, but will encourage and inspire other attorneys to participate in pro bono.*

BEST PRACTICES FOR Volunteer Recognition

BEST PRACTICE #18 EVENTS *WITH A* LOCAL FLAVOR

Develop creative forms of volunteer recognition crafted to the interests of the pro bono attorneys in your county or region.

WHAT TO DO:

- Conduct a contest for “Pro Bono Attorney of the Year,” and work with the judiciary and bar leadership to donate a prize for the volunteer attorney or attorneys with the greatest number of pro bono hours such as:
 - A day of golf with one or more local judges or bar leaders.
 - A day of sailing with one or more local judges or bar leaders.
 - An afternoon of tennis with one or more local judges or bar leaders.
 - A day of skiing with one or more local judges or bar leaders.
 - A day of biking and picnicking with one or more local judges or bar leaders.
 - A day of skeet shooting or hunting with one or more local judges or bar leaders.
 - A day of museum hopping with one or more local judges or bar leaders.
 - Lunch or dinner at a local restaurant with one or more local judges or bar leaders.
 - An evening at the theater with one or more local judges or bar leaders.
 - An evening of salsa dancing with one or more judges or bar leaders.

- A day of kayaking or canoeing with one or more judges or bar leaders.
- A day of fishing with one or more judges or bar leaders.
- Tickets to an Orioles, Ravens, Nationals or Redskins game with one or more judges or bar leaders.
- Hold a “Best Practices” luncheon with several local judges for the exceptional pro bono attorneys in your county or region to informally discuss court practices and procedures.
- Work with members of the local press to publish a story or series of stories on the work of exceptional pro bono attorneys in your county or region.

***Comments:** There are endless ways in which the Local Committee, judiciary and bar leadership can express their appreciation to the outstanding pro bono attorneys in your county or region that reflect the local culture, geography and community. Awarding pro bono attorneys with an opportunity to network with judges and the bar leadership gives them an opportunity for development on a professional and personal level. Informal activities such as sports and cultural events provide an atmosphere for warm and collegial interaction and can help pro bono attorneys forge lasting associations with the leaders in their legal community. Likewise, such activities provide judges and bar leaders with the opportunity to hear first hand the challenges and rewards of pro bono work.*

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section F

Collaborating with the Judiciary

INTRODUCTION

The participation of the judiciary is an essential ingredient in a successful pro bono campaign. Chief Judge Robert M. Bell and the Court of Appeals of Maryland Standing Committee on Pro Bono have strongly encouraged members of the Maryland Judiciary to participate in pro bono in a variety of ways, including writing letters to attorneys seeking pro bono assistance and appearing at bar meetings and other functions to promote and support pro bono initiatives. MD Rule 16-902 provides that at least one but no more than two trial court judges should serve on each Local Pro Bono Committee. In addition, the participation of the County Administrative Judge in the work of the Local Committee is mandated to the extent that he or she must assess the composition of the Local Committee annually and take steps to ensure full membership. Maryland judges are encouraged to participate in recruiting, training and recognizing pro bono lawyers, and the impact of their involvement cannot be overstated. As the ABA Standing Committee on Pro Bono has noted, “Judicial support of pro bono can increase lawyer’s acceptance of pro bono responsibility and increase the acceptance of pro bono as a necessary component of the delivery of access to justice.” Local Pro Bono Committees should make every effort to engage all of the judges in their jurisdiction in pro bono initiatives and activities.

BEST PRACTICES FOR ***Collaborating with the Judiciary***

BEST PRACTICE #19 **COUNTY ADMINISTRATIVE JUDGES**

Engage the County Administrative Judge and other members of the judiciary in the work of the Local Pro Bono Committee.

WHAT TO DO:

- Seek out the County Administrative Judge as an ally and a partner in the work of the Local Pro Bono Committee.
- Arrange a meeting between the County Administrative Judge and the Local Pro Bono Committee chairperson and other influential members of the Committee, particularly members of the bench, to explore ways to expand the Judge's involvement in the Committee's work.
- Discuss with the County Administrative Judge any concerns he or she may have about the involvement of judges in pro bono activities such as recruitment, training and recognition.
- Provide the County Administrative Judge and all judges in the jurisdiction with a copy of Maryland Judicial Ethics Opinion #124.
- Provide the County Administrative Judge with materials from the ABA Pro Bono Center website on the value of judicial involvement in pro bono.
- Encourage the County Administrative Judge to set an example by promoting the pro bono service of attorney employees of the Court.
- Identify other members of the Circuit and District Courts who may also serve as leaders in the pro bono effort.

- Seek to establish with the County Administrative Judge the scope of authority for another judge to act on behalf of the bench in pro bono matters.

HELPFUL TIPS:

- Maryland Judicial Ethics Opinion #124 is available at Appendix R, as well as on line at www.courts.state.md.us/probono/pdfs/appendicesrevstateactionplan.pdf.
- The ABA Center for Pro Bono has many materials on its website for judges, including an online Clearinghouse Library with sample recruiting letters, as well as speeches and articles on pro bono, available at www.abanet.org/legalservices/probono/judiciary.html.
- The Pro Bono Resource Center can provide Local Pro Bono Committees with a variety of materials to present to the County Administrative Judge or other members of the local bench (contact PBRC at 410-837-9379, 800-396-1274 or sgoldsmith@probonomd.org). In addition, the Maryland Access to Justice Committee Interim Report for 2009 is available at www.courts.state.md.us/mdatjc/pdfs/interimreport111009.pdf.
- Attorneys who are court employees are covered by Rule 6.1 and can engage in a wide range of pro bono work, including estate planning, benefit counseling, landlord-tenant disputes, and debtor-creditor issues.

Comments: *Having the County Administrative Judge as a partner in the pro bono effort is an extremely valuable tool since other judges, as well as members of the bar, will take seriously any requests from him or her to participate in the pro bono effort. If the County Administrative Judge is unable to participate in the pro bono effort, however, the assistance of any of the judges on the bench boosts participation and morale and enhances all pro bono initiatives. Local efforts spearheaded and promoted by judges have a much greater chance of becoming permanent fixtures in the local legal community, and Local Pro Bono Committees should make every effort to engage as many judges as possible in their initiatives.*

BEST PRACTICES FOR Collaborating with the Judiciary

BEST PRACTICE #20 JUDGES *AND* THE LOCAL COMMITTEE

Promote the participation of judges in all aspects of the Local Pro Bono Committees' activities, particularly those involving outreach to the legal community.

WHAT TO DO:

- Request the judges of the Circuit Court and District Court to participate in a letter writing campaign to increase the number of attorneys who render pro bono service.
- Engage judges to serve as faculty members at pro bono trainings whenever feasible.
- Enlist the aid of judges to give presentations on the gap in legal services and the need for pro bono service to bar association meetings, bar section meetings and other gatherings of lawyers.
- Invite judges to present awards to outstanding pro bono attorneys at awards ceremonies and recognition programs.
- Create a list of volunteer attorneys from which judges may appoint pro bono attorneys to represent litigants appearing before them.
- Arrange for the County Administrative Judge to send an annual letter to all new admittees encouraging them to meet their pro bono responsibilities under Rule 6.1 and providing information on pro bono opportunities.
- Encourage judges to participate in creative awards for outstanding pro bono service such as sports or cultural outings.
- Request the County Administrative Judge to work with masters and court clerks to identify litigants in need of pro bono service and make referrals to appropriate agencies.

- Encourage judges to write articles for the local bar journals and newspapers on the value of the pro bono service rendered by local attorneys.
- Request the County Administrative Judge to place an ad in the bar newsletter encouraging attorneys to accept pro bono cases.

HELPFUL TIPS:

- Sample letters from judges encouraging pro bono participation are available at www.abanet.org/legal services/probono/judiciary.html.
- By nominating judges from your county or region for statewide awards for their work on behalf of pro bono, you encourage other judges to participate in the pro bono effort. Available awards include those made by the Pro Bono Resource Center (applications on line at www.probonomd.org/2007_Awards.html), and the Maryland Legal Services Corporation (applications available at www.mlsc.org/awards.html).
- Local pro bono programs and legal services organizations may also have awards for which members of the Local Pro Bono Committee can nominate judges who have assisted in the pro bono effort.

***Comments:** Each time a judge participates in a pro bono activity it enhances the importance and value of that activity to local attorneys. It is important to note that the Maryland Judicial Ethics Commission has determined that all of the pro bono opportunities for judges outlined above are appropriate and ethical acts on the part of judges. (See, Maryland Judicial Ethics Opinion #124 at Appendix R). By far the most effective pro bono activities by judges are those in which they interact personally with attorneys, such as at recruitment events, trainings and award ceremonies. However, letters to members of the bar as well as articles written by judges for bar newsletters, local newspapers and other publications are also powerful tools for increasing attorney participation in pro bono service.*

BEST PRACTICES *FOR* ***Collaborating with the Judiciary***

BEST PRACTICE #21 **“RIGHT OF WAY” *FOR* PRO BONO**

Work with the local court to develop liberal continuance and scheduling policies for pro bono attorneys, as well as a “right of way” for docketing pro bono cases.

WHAT TO DO:

- Establish a “court liaison” subcommittee of the Local Committee to study the challenges and obstacles facing pro bono attorneys in the local Circuit and District Courts.
- Include as members on the “court liaison” subcommittee the judicial members of the Local Committee.
- Explore ways to address the procedural difficulties facing pro bono attorneys, in particular that:
 - Pro bono attorneys are often brought into cases just days before trial and may run up against strict postponement and scheduling practices.
 - Pro bono cases are often placed at the end of the day’s docket, forcing pro bono attorneys to spend hours in court waiting for the case to be called.
- Draft a “Pro Bono Attorney Policy” to be submitted to County Administrative Judge addressing the need for a liberal continuance and scheduling policy for pro bono attorneys.
- Include in the “Pro Bono Attorney Policy” provisions for scheduling pro bono cases at a specific time each day or on a particular day of the week to permit volunteer attorneys maximum flexibility in scheduling their pro bono cases.

- Vet the “Pro Bono Attorney Policy” with judges of the Circuit and District Courts and several pro bono attorneys to obtain additional feedback on the workability of the proposals.
- Arrange to meet with the County Administrative Judge to discuss the proposed “Pro Bono Attorney Policy.”

HELPFUL TIPS:

- There may be resistance from the bench to some or all of the proposals in the “Pro Bono Attorney Policy.” Be prepared to work for incremental changes.
- Docketing policies that place pro bono cases first on the docket have provoked negative reactions from litigation attorneys. It may be best to work for a policy that adopts a designated time each day or a designated day each week for docketing pro bono cases to avoid backlash from the organized bar.

***Comments:** Prospective pro bono clients frequently wait months on a list before a program is able to place them. Quite often a hearing or trial is scheduled within days of when a pro bono attorney is asked to accept the case. Liberal policies for postponements, continuances and scheduling of pro bono cases would encourage volunteer attorneys to accept those cases despite the imminent trial date. Likewise, volunteer attorneys often spend the better part of a day sitting in court waiting for their pro bono case to be called. A policy docketing pro bono cases at a specific time each day or on a specific day each week would allow pro bono attorneys to maximize the use of their time on pro bono cases. While all litigators must deal with scheduling challenges and long delays in court, flexible policies for pro bono attorneys are one way for the judicial system to recognize and accommodate the work of pro bono attorneys.*

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section G

Working with Legal Services Providers

INTRODUCTION

Legal services organizations are the closest partners Local Pro Bono Committees have in their efforts to increase pro bono service and expand access to justice for low-income Marylanders. The primary legal services organization in Maryland, the Legal Aid Bureau, has offices in twelve regions and is mandated by federal law to spend 12.5% of its funding on pro bono activities. In addition, many specialized legal services providers throughout the state have a pro bono coordinator or manager to conduct intake and income eligibility assessments and place cases with pro bono attorneys. Local Pro Bono Committees should actively partner with the legal service organizations in their counties and work with them to develop pro bono recruiting, training and recognition programs. In addition, Local Pro Bono Committees should engage with local legal services organizations in order to learn from them what the Local Committee can do to help facilitate their work with pro bono attorneys and support them in their pro bono efforts.

BEST PRACTICES FOR Working with Legal Services Providers

BEST PRACTICE #22 PRO BONO SUMMITS

Conduct a Pro Bono Summit of all legal service providers in the county or region to share information and explore possible collaborations.

WHAT TO DO:

- Create a “Pro Bono Summit” subcommittee of the Local Pro Bono Committee to plan the Summit event.
- Meet with the executive directors and/or the pro bono coordinators from each legal services agency in the area to plan the logistics and agenda for the Pro Bono Summit.
- Locate a free venue for the Pro Bono Summit such as the County Bar Library, bar association conference room or community center.
- Work with the Standing Committee on Pro Bono to identify pro bono providers and resources and plan an agenda that includes the following topics:
 - Program, staff and client base of each participating organization.
 - Pro bono components of each participating organization.
 - Impact of the economic downturn on legal services in your county or region.
 - Impact of changing demographics on legal services in your county or region.
 - Issues regarding representation of non-English speakers and lack of interpreters and translators.
 - Areas of unnecessary duplication of services.

- Possibilities for collaborations, partnerships and sharing of resources.
- Areas in which the Local Pro Bono Committee can assist and facilitate continued dialogue.
- Engage a local judge or bar leader to provide the keynote speech.
- End the program with a schedule for future meetings to explore collaborations and sharing of resources.
- In small and rural counties, a meeting of the Local Pro Bono Committee and the executive directors and pro bono coordinators of each legal services provider would provide a forum to address all of the issues identified above.

HELPFUL TIPS:

- The Prince George's County Pro Bono Committee, with the assistance of the Pro Bono Resource Center, conducted a "Pro Bono Summit" in June of 2009. Materials from that program are available at Appendix S).
- The Pro Bono Summit Planning Committee should prepare an outline of topics for each organization to address when describing its program and services and assure that no one organization dominates the program.
- The Pro Bono Summit agenda could allow for break-out groups to facilitate discussion of "special topics" such a domestic violence or immigration.
- Law firms or individual attorneys interested in financially underwriting the Pro Bono Summit should be reminded that such contributions qualify under MD Rule 6-903 as pro bono contributions.
- The Standing Committee on Pro Bono can assist in the planning of a local Pro Bono Summit. (Contact PBRC at 410-837-9379 or 800-396-1274).

***Comments:** In some counties or regions legal services providers do not communicate regularly, which can result in a duplication of efforts. Providing a forum for legal service providers to share information and explore possible collaborations is an important contribution the Local Committee can make to improve the delivery of legal services.*

BEST PRACTICES *FOR* ***Working with Legal Services Providers***

BEST PRACTICE #23 **SERVING NON-ENGLISH SPEAKING CLIENTS**

Appoint consultants to the Local Pro Bono Committee to address methods for increasing access to pro bono services for non-English speaking clients.

WHAT TO DO:

- Create a subcommittee of the Local Pro Bono Committee to work with the consultants to study the issue of lack of access of non-English speakers to pro bono services.
- Develop a survey for local pro bono programs and legal services organizations requesting information regarding:
 - The most prevalent non-English speaking populations in your county or region and the languages they speak.
 - The range of interpreter and translator services available in your region.
 - The availability of interpreter and translator services to pro bono clients.
 - “What happens on the ground?” How pro bono programs and legal services providers work with non-English speaking clients when there are no professional interpreters and translators available.
 - Suggestions for ways to improve access to interpreters and translators.
- Include at least one judge and clerk of the court on the subcommittee to provide information about the logistics of court interpreter services.
- Prepare a report for the Local Committee based on the survey results.

- Identify areas where the Local Pro Bono Committee can facilitate access, such as serving as a liaison to immigrant organizations that could provide free interpreter services.
- Organize a training for local pro bono attorneys and legal services providers on use of interpreters and challenges of multi-cultural lawyering.

HELPFUL TIPS:

- The Volunteer Lawyers Network has guidelines for pro bono attorneys working with interpreters, available at www.vlpnet.org/resources/topics.2015-materials.
- An article on multi-cultural practice and working with interpreters is available on the State Bar of Wisconsin website at www.wisbar.org/AM/Template.cfm?Section=Home&CONTENTID=83124&TEMPLATE=/CM/ContentDisplay.cfm.
- Nadia Firozvi, Esq., a Maryland attorney with the Asian Pacific American Legal Resource Center, has testified before the U.N. on behalf of the D.C. Language Access Coalition and can provide information on legal challenges to denials of language access as well as resources for Asian language interpretation. She is available at 202-393-3572 x23 or nadia.firozvi@apalrc.org.
- The Pro Bono Resource Center can provide information regarding faculty for trainings on use of interpreters and multicultural lawyering. (Contact PBRC at 410-837-9379, 800-39-1274 or pbrc@probonomd.org).
- The Baltimore County Circuit Court website provides information on requesting interpreters for court proceedings at www.baltimorecountymd.gov/Agencies/circuit/interpreters.html.

***Comments:** There are myriad difficulties that arise for pro bono attorneys and programs seeking to serve non-English speaking clients. Many pro bono attorneys, as well as pro bono programs and legal services organizations, must rely upon bilingual family members or neighbors in order to provide services to non-English speaking clients, raising issues of client confidentiality, attorney-client privilege and sometimes even client safety. Lack of trained interpreters for uncommon languages can make it virtually impossible to serve certain immigrant populations. Federal law mandates that courts provide interpreters for all litigants appearing in judicial proceedings. The Maryland Court Interpreter Program provides interpretation in a number of languages; however, obtaining those services in rural counties can be difficult and time*

consuming. In addition, a court interpreter is an employee of the Court and interprets for the judge only. A pro bono attorney must still bring a private interpreter to court in order to communicate with his or her client during a proceeding. Given the complexity of issues surrounding non-English speaking clients, Local Pro Bono Committees in jurisdictions with large immigrant populations should assess the availability of interpreters and problems with the existing system and work to facilitate improvements that increase access to justice for non-English speaking litigants.

BEST PRACTICES* FOR *Working with Legal Services Providers

BEST PRACTICE #24 VOLUNTEER INTERESTS SURVEY

Conduct a survey of local attorneys as described in *Best Practice #6* to obtain information regarding each attorney's practice areas, interest in pro bono trainings and the substantive areas in which he or she is willing to perform pro bono service. Compile a list of attorneys willing to take pro bono cases in each substantive area and distribute it to legal services providers and pro bono programs.

WHAT TO DO:

- Send a survey to all attorneys on the Client Protection Fund list for your county or region.
- Include a cover letter from the County Administrative Judge or local bar president encouraging attorneys to complete the survey and volunteer for pro bono service.
- Request the following information on the survey:
 - Primary practice areas
 - Language fluency
 - Areas in which willing to provide pro bono service
 - Areas in which willing to provide pro bono service with training and/or mentor
 - Interest in taking trainings
 - Interest in serving as trainer or mentor

- Previous difficulties with providing pro bono service in your county
- Past experience with screening and referral process
- Amount of pro bono service typically performed each year
- Collate the information and prepare a list of attorneys willing to take pro bono cases by substantive area to distribute to pro bono programs and legal services providers.
- Develop a protocol using the list serve to inform all local service providers when an attorney has taken a pro bono case in order to avoid individual attorneys being flooded with requests from multiple programs.

HELPFUL TIPS:

- The Howard County Pro Bono Committee has developed a seven page survey for attorneys asking the information discussed above and much more. (The survey is available at Appendix P).
- The Pro Bono Resource Center is available to provide assistance in data analysis of completed surveys. (Contact PBRC at 410-837-9379, 800-396-1274 or pbrc@probonomd.org).
- Designate one pro bono coordinator in the county to be responsible for managing the list, or if there is no pro bono coordinator, then one member of the Local Committee.

***Comments:** The list from the Attorney Survey results developed by the Local Pro Bono Committee should be distributed to all legal services providers and pro bono programs in the area. In small and rural counties with small numbers of attorneys, such a list should be of significant benefit to local legal services providers and pro bono programs. In large counties and metropolitan areas, however, managing such a list is likely to be unwieldy and a task no one pro bono coordinator would be willing to assume.*

BEST PRACTICES* FOR *Working with Legal Services Providers

BEST PRACTICE #25 “HOW TO GET TO COURT” BROCHURES

Provide brochures with information (about public transportation routes to the Circuit and District Courts, court commissioner locations, and legal service provider locations) to all legal services offices, the clerk’s office of each court, all commissioner’s offices, social and human services organizations offices, and police stations. Approach local government officials and urge them to develop reasonable means of transportation to legal services programs, the courts and social services agencies.

WHAT TO DO:

- Create a “transportation” subcommittee of the Local Pro Bono Committee to organize the transportation project.
- Explore methodologies for obtaining up-to-date and accurate information about public transportation routes to the county courts, commissioners’ offices and legal and social services offices.
- Obtain the pro bono assistance of several real estate, business or transactional attorneys to work on the transportation project.
- Collaborate with the local bar association or a section of the bar association (e.g. young lawyers, real estate, or business section) to fund the preparation and distribution of brochures throughout the county or region.

- Provide clerk's offices, court commissioners, legal services and pro bono programs with an electronic copy of the brochure to allow them to replenish supplies whenever necessary.
- Invite county planning officials to a meeting to explore avenues for increasing access to the courts and social and legal services agencies by public transportation.

HELPFUL TIPS:

- The American Public Transportation Association website has links to public transportation options available in all 24 Maryland counties, found at www.publictransportation.org/systems/state.asp?state=MD#A7.
- The Maryland Transit Administration provides schedules and routes for all MTA commuter services in the Baltimore metropolitan area at mta.maryland.gov/.
- The Washington Metropolitan Area Transit Authority provides schedules and routes for the DC Metro and buses throughout the Maryland DC suburbs at www.wmata.com/.
- Meetings with county planning officials in rural counties may be more fruitful if members of the judiciary or local politicians participate in the discussion.

***Comments:** Providing legal services organizations with a brochure summarizing all public transportation routes to courts, government agencies and social services organizations in your county or region is an inexpensive yet very helpful way for Local Pro Bono Committees to aid legal service providers and pro bono programs in their work. The transportation project also provides an opportunity for valuable short-term pro bono service by non-litigation lawyers.*

In the current economic climate, seeking to expand public transportation options for low-income people is not likely to be a priority of county planning officials. Nevertheless, beginning the process of educating county officials about the need for public transportation to ensure access to justice is a worthy cause.

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section H

Community Outreach

INTRODUCTION

Local Pro Bono Committees can play a major role in educating the public about the availability of pro bono legal services in their community. Partnering with the local bar association and local legal services organizations, Local Pro Bono Committees can get the word out with minimal expense by organizing an advertising campaign that includes distributing Maryland Lawyers Care Brochures throughout the community and developing public service announcements to reach isolated groups such as immigrants and farm workers. Providing information to local social and human services organizations is also a critical part of that effort, since frequently those who work with low-income families on a daily basis are unaware of the legal services available to them. Educating the public about their legal rights and the substantive legal issues most likely to affect their lives is another way for Local Pro Bono Committees to contribute to the well-being of the community. Partnering to hold events such as legal fairs, legal information seminars, advice and counsel sessions and workshops for the public, Local Pro Bono Committees can play a vital role in assuring that those with the least access to the justice system are given the tools they need to protect their rights. Finally, there is an extra bonus to these events as they enhance the reputation of the local bar and lawyers in general within the community.

BEST PRACTICES FOR Community Outreach

BEST PRACTICE #26 COMMUNITY FORUM *FOR* SOCIAL SERVICE AGENCIES

Host a Community Forum for social and human services organizations to educate their staff about the availability and nature of pro bono and low-bono legal services in your county or region.

WHAT TO DO:

- Organize a Community Forum planning committee comprised of members of the Local Pro Bono Committee and representatives of each pro bono and legal services organization in the county or region.
- Identify the agencies and organizations to be included on the invitee list, including:
 - Department of Social Services divisions
 - Office on Aging and senior centers
 - Youth services bureaus and agencies
 - Housing assistance programs
 - Domestic Violence shelters
 - Veterans programs
 - Programs for the disabled
 - Homeless shelters
 - Drug and alcohol rehabilitation centers
 - Prison and half-way house programs
 - Immigrant and day laborer centers

- Partner with the local bar association or a local law firm to provide funding for invitations, programs and materials.
- Identify a free venue for the program, such as a courthouse meeting space, school auditorium or community center hall.
- Prepare a program of speakers from local and statewide pro bono and legal services organizations to present information about their program and services.
- Draft invitations and send to all invitees – include RSVP information.
- Invite a local judge, the local bar president or a local politician to present the keynote speech.
- Collect materials from each participating organization for distribution at the Community Forum.
- Distribute Maryland Lawyers Care Brochures to all participants. (See Appendix K).

HELPFUL TIPS:

- Volunteer attorneys can provide short-term pro bono service by helping to duplicate and organize materials and staffing the event the day of the Community Forum.
- The need to provide lunch options for the participants can be avoided by planning a half-day event.
- Identifying all of the participating agencies and a contact person at the beginning of the program is a good way to facilitate networking.
- Circulating a list for attendees to identify themselves and provide contact information, including email addresses, also is a good way to facilitate networking.

***Comments:** All too often the staff of social and human services organizations are unaware of the pro bono legal services available to the clients they serve. Holding a Community Forum is an excellent way to educate those who work with low-income clients on a daily basis about the legal services available to their clients. A Community Forum will also provide an opportunity for legal services staff to meet and network with staff from human and social services organizations and spotlight pro bono legal services in your county or region.*

BEST PRACTICES FOR Community Outreach

BEST PRACTICE #27 EVENTS *FOR THE* GENERAL PUBLIC

Develop a series of community outreach events to educate the public about the substantive areas of law most likely to impact their lives.

WHAT TO DO:

- Establish a “Community Outreach” subcommittee of the Local Pro Bono Committee to plan and organize the community outreach campaign.
- Identify the substantive areas of law most likely to attract the interest of the public and address the needs of the low-income community, such as:
 - Child custody and child support
 - Foreclosure prevention
 - Bankruptcy and consumer rights
 - Landlord-tenant
 - Employment
 - Immigration
- Determine the type or types of programs to be developed in the community outreach campaign. Possible models include:
 - Speakers Bureau – compile a list of attorneys willing to speak on a variety of issues and make it available to community organizations.
 - Seminars – hold monthly or bi-monthly Legal Information Seminars to explain the basics of the substantive areas listed above, rotating the topics throughout the year.

- Advice and Counsel Workshops – provide attorneys for 20-30 minute advice sessions in key substantive areas.
- Application Workshops: provide hands-on assistance in such areas as Green Card applications or pro se bankruptcy filings.
- Partner with the local bar association to identify speakers and volunteers to participate in the outreach campaign.
- Advertise each program with flyers and email announcements to human and social service agencies, community organizations, libraries, as well as public service announcements in local newspapers and radio stations, including foreign language stations.
- Distribute Maryland Lawyers Care Brochures (see Appendix K) and other materials at each program to provide participants with contact information for pro bono programs and legal services organizations.

HELPFUL TIPS:

- Legal information seminars on specific substantive topics typically draw audiences of 10-20 people and can be held at a variety of small venues, such as the county library, a community center recreation room or a business center conference room.
- Legal services organizations are often excellent venues for legal information seminars and their staff frequently will participate as presenters.
- Community organizations that do not service low-income populations may be interested in engaging the Speakers Bureau, presenting the Local Committee with an opportunity to educate the general public about the gap in legal services and the legal needs of low-income Marylanders.

***Comments:** Holding regular events to educate low-income individuals about their substantive legal rights is an important service to the community. Creating an infrastructure for these programs with the help of the local bar and legal services organizations increases the likelihood that the programs will become self-sufficient and continue to be held regularly without the Local Committee's management.*

BEST PRACTICES FOR Community Outreach

BEST PRACTICE #28 ADVERTISING PRO BONO *TO THE* COMMUNITY

Design an advertising campaign to get the word out about pro bono legal services and other resources available to low-income people in your county that includes widespread distribution of the Maryland Lawyers Care Brochure and public service announcements in local news- papers and on local radio stations.

WHAT TO DO:

- Work with the Pro Bono Resource Center to update the Maryland Lawyers Care Brochure for your county (*see* Appendix K for a sample brochure).
- Obtain the pro bono help of bilingual attorneys to translate the brochures into the language most commonly spoken by immigrants in your community.
- Identify where the updated brochures will be placed in your community, including:
 - Food pantries and soup kitchens
 - Homeless shelters
 - Churches, synagogues, mosques and temples
 - Immigrant and day-laborer centers
 - Battered women's shelters
 - Senior centers
 - Youth centers

- Alcohol and drug rehabilitation centers
- Prisons and half-way houses
- Community centers
- Child care centers
- Consider forming partnerships with local businesses such as grocery stores and convenience stores in low-income neighborhoods to make the Maryland Lawyers Care Brochures available to their customers.
- Develop a series of public service announcements for local newspapers to advertise the types of legal services available in your county, including pro bono programs, courthouse pro se clinics, workshops and legal information seminars.
- Partner with local radio stations, including foreign language radio stations, to develop public service announcements informing the community about the availability of pro bono programs, courthouse pro se clinics, workshops and legal information seminars.

HELPFUL TIPS:

- Local high school student organizations can distribute the Maryland Lawyers Care Brochures throughout the community on a monthly or bi-monthly basis as a community service project. Seek local attorney-parents to supervise the program.
- If there are no bilingual attorneys available to translate the Maryland Lawyers Care Brochure, seek funding for translations from local businesses catering to the immigrant community.
- Local newspapers and radio stations have a range of policies about public service announcements and advertisements. Engaging the help of a local judge or the local bar association president may help to increase the willingness of the newspaper or radio station to work with Local Committee to develop and run public service announcements.

***Comments:** Lack of knowledge of available services is one of the greatest barriers preventing low-income people from obtaining access to justice. Local Pro Bono Committees can perform an important service by making the dissemination of information about pro bono and other legal services a top priority.*

BEST PRACTICES FOR Community Outreach

BEST PRACTICE #29 LEGAL FAIRS

Spearhead the organization of a Legal Fair to provide substantive legal information sessions on a variety of substantive areas as well as short advice and counsel sessions for individuals with a volunteer attorney.

WHAT TO DO:

- Form a “Legal Fair Committee” comprised of members of the Local Pro Bono Committee, local pro bono program and legal services organization staff and volunteer attorneys to begin the initial planning of the Legal Fair.
- Determine whether the Legal Fair should have a target population such as a specific immigrant group or the residents of a particular area of your county or region.
- Seek co-sponsorship from the local bar association, community groups and local businesses.
- Solicit volunteer attorneys to make presentations during the information sessions on such topics as:
 - Family law
 - Employment
 - Foreclosure prevention
 - Consumer issues and bankruptcy
 - Elder law
 - Landlord-tenant
 - Immigration
 - Public benefits

- Solicit volunteer lawyers to meet with clients in individual advice and counseling sessions.
- Determine the number of information sessions and private counseling sessions that will be feasible given the number and type of volunteers.
- Identify a centrally located site accessible by public transportation for the legal fair such as a local social services office with space for individual counseling sessions as well as a large parking lot for outdoor information sessions.
- Reach out to local high school or college student groups to staff the Legal Fair for sign-up, traffic control, etc.
- Advertise the Legal Fair to your targeted group or throughout the community with public service announcements and flyers placed in community centers, places of worship, food pantries, soup kitchens and homeless shelters.
- Schedule a training session for volunteer attorneys one week before the Legal Fair.
- Have copies of the Maryland Lawyers Care Brochure (*see* Appendix K) for your county available for every participant in the Legal Fair.
- Arrange for translators for non-English speakers and others with disabilities to provide maximum access.
- Contact local media to provide news coverage of the Legal Fair.

HELPFUL TIPS:

- The Bar Association of Baltimore City, in conjunction with a number of organizations, held a Pro Bono Day 2009 Free Legal Clinic at the Legal Aid Bureau in Baltimore. The event included informational sessions and one-on-one meetings with attorneys and received television coverage on WJZ Channel 13 in Baltimore. For information on the program, contact Bobbie Steyer at bsteyer@mdlab.org or 410-951-7737.
- The Maryland Immigrant Rights Coalition (MIRC) has conducted Immigration Legal Fairs in Baltimore City and Prince George's County. A sample flyer and volunteer sign-up sheet are attached at Appendix T. For information about the MIRC Immigration Legal Fairs, contact Maureen Sweeney at 410-707-3922 or msweeney@law.maryland.edu.

- Materials for organizing Law Day events which are helpful for planning a Legal Fair are available on the ABA website, www.abanet.org/publiced/lawday/LD.
- Schedule the Legal Fair from 10:00 a.m. to 2:00 p.m. on a Saturday or immediately after church services on Sunday to maximize attendance.
- Require advanced sign-up for individual counseling sessions the morning of the Legal Fair and have staffers available to keep time for the attorneys and help limit the time to 20-30 minutes per session.

***Comments:** Legal Fairs reach a large audience that normally has no access to legal information and advice of any kind. Providing a series of substantive information sessions throughout the day serves not only to educate the participants about important legal issues but also provides an activity for those waiting for their individual counseling sessions. Particularly when they target a population such as an immigrant group, Legal Fairs provide a forum and a safe space for individuals to ask questions and receive information and advice about issues relevant to their own needs and circumstances. They also serve as excellent public relations tools, enhancing the image of local lawyers in the eyes of the community.*

Legal Fairs and similar programs are great recruitment tools for volunteer attorneys as well. Attorneys uncomfortable with taking individual pro bono cases frequently are willing to participate in short-term pro bono events such as legal fairs and “ask a lawyer” programs. Many of them discover the satisfaction of working with low-income clients during the event and later agree to take a case on their own for individual representation. Legal Fairs are also wonderful opportunities for members of the local bar association, pro bono programs and legal services organizations to network and forge positive working relations.

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section I ***Special Issues in Rural Counties***

INTRODUCTION

Local Pro Bono Committees in rural jurisdictions face a host of unique challenges in developing a delivery system for pro bono legal services. Key among them is the fact that there is often a small and limited pool of attorneys practicing in the county. In Somerset County, for example, there were sixteen members of the bar in 2009, only six of whom were in private practice; the remainder were judges or government lawyers in the State's Attorney's or Public Defender's Office. In Garrett, Allegany and Washington counties in Western Maryland, mountains and forests create natural barriers that hinder the delivery of legal services, particular in the winter when roads are impassable due to snow, ice and flooding. Public transportation is frequently non-existent or quite limited in rural communities, whether in the mountains or in the coastal regions of Southern Maryland and the Eastern Shore, and low-income clients frequently live on poorly paved and poorly marked roads. Yet the legal needs of the rural poor are often quite high, and Local Pro Bono Committees must be creative in addressing the challenges that rural communities bring to the delivery of pro bono services.

In 2000, The American Bar Association launched a Rural Pro Bono Delivery Initiative to study the special needs of low-income rural clients and the obstacles faced by the programs that serve them. The goal of the ABA Rural Pro Bono Delivery Initiative was to develop, improve and promote successful models for pro bono delivery to the rural poor. In 2003, the Rural Pro Bono Initiative published a manual, *Rural Pro Bono Delivery: A Guide to Pro Bono Legal Services in Rural Areas*, as a resource for pro bono programs, legal services providers and bar associations in rural jurisdictions. The ABA manual is an invaluable tool for Local Pro Bono Committees in rural communities and is available on line at www.abanet.org/legalservices/probono/rural_delivery.html. A Clearinghouse Library on rural pro bono delivery is also available at the same website.

What follows are several Best Practices for rural pro bono programs developed by Maryland Local Pro Bono Committees and suggested in the Best Practices for Local Pro Bono Committees Questionnaire distributed in the fall of 2009. It should be noted that many of the preceding Best Practices are equally effective when adopted by Local Pro Bono Committees in rural jurisdictions as well as in urban areas.

BEST PRACTICES FOR Special Issues in Rural Counties

BEST PRACTICE #30 LOCAL PRO BONO COORDINATORS

Establish a local or regionally based pro bono coordinator to screen cases and determine income eligibility, place cases with pro bono attorneys and coordinate trainings for volunteer lawyers.

WHAT TO DO:

- Form a subcommittee of the Local Pro Bono Committee to study possible models for creating a pro bono coordinator position in your county or region.
- Explore with local bar association leadership the possibility of establishing a bar foundation pro bono program to house the pro bono coordinator (see Best Practices #15).
- If there is no option for establishing a bar foundation pro bono program, identify local legal services organizations, social or human services agencies, community centers, faith-based service programs or other groups in the community which could provide free space to house a pro bono coordinator.
- Research funding sources such as county grants, private endowments and MLSC funding.
- Explore other funding options and determine whether the pro bono coordinator position will be a paid or volunteer position, full-time or part-time.
- Approach local law firms or satellite offices of large law firms to donate office space and administrative assistance for a pro bono coordinator and/or designate an existing paralegal or associate to serve as the pro bono coordinator for the county (thereby

providing qualifying pro bono service for purposes of Rule 16-903 pro bono reporting).

- Meet with the County Administrative Judge to explore the possibility of housing a volunteer pro bono coordinator at the courthouse, possibly in the existing Family Law Self-Help Clinic.
- Work with the Pro Bono Resource Center to provide support and resources for the new pro bono coordinator.

HELPFUL TIPS:

- Mid-Shore Pro Bono, Inc. was the first regional pro bono referral agency in the state and was formed as the result of a collaboration of the Local Pro Bono Committees from Caroline, Dorchester, Kent, Queen Anne's and Talbot Counties. Information about Mid-Shore Pro Bono is available at 410-690-4890 or www.midshoreprobono.org.
- In St. Mary's County, the Southern Maryland Center for Family Advocacy, a regional domestic violence program, serves as the pro bono coordinator for the county. Information about the Southern Maryland Center for Family Advocacy, is available at 301-373-4141 or smcfa@md.metrocast.net.
- Maryland Volunteer Lawyers Service operates in all counties in Maryland except Allegany, Prince George's and Montgomery counties. Where it is not possible to create a pro bono coordinator position for your county, consider designating a member of the local bar leadership or a member of the Local Pro Bono Committee as the MVLS liaison who can help to facilitate the placement of cases with local pro bono attorneys. Contact MVLS at info@mvslaw.org or 410-539-6800.

***Comments:** The importance of having a local pro bono coordinator in a rural county or region cannot be over-emphasized. Even a part-time, volunteer pro bono coordinator can serve as a central clearinghouse for intake and income eligibility screening and case referral. Studies have shown that pro bono attorneys consider client intake and eligibility screening to be one of the most important supports for their pro bono work. Having a point person to whom clients, attorneys, social service agencies and the courts can turn is critical in the success of a pro bono initiative. In rural counties, working to create a regional pro bono coordinator and/or program with Local Pro Bono Committees in adjacent counties allows for the pooling of resources and may be the best avenue for providing this important service to the pro bono attorneys in your county.*

BEST PRACTICES FOR Special Issues in Rural Counties

BEST PRACTICE #31 REGIONAL PRO BONO COMMITTEES

Create a Regional Pro Bono Committee with the Local Pro Bono Committees in adjacent counties to expand resources, avoid duplication of efforts and improve delivery of pro bono legal services in your county.

WHAT TO DO:

- Convene a meeting of the Local Pro Bono Committee Chairs in adjacent counties to explore the ramifications of forming a Regional Pro Bono Committee.
- Consider the number of judges and attorneys in each county and the degree to which attorneys regularly practice in multiple jurisdictions.
- Consider whether existing pro bono programs and legal services organizations regularly handle clients from across counties.
- Determine whether human and social service agencies serve clients across county lines.
- Assess the degree of interaction and collegiality among the local bar associations of each county.
- Assess the impact of creating a Regional Pro Bono Committee on any existing pro bono programs and legal services providers.
- Assess the possibility of joining forces to create a regional pro bono program to coordinate pro bono services in the counties.
- Consider the effect of joining forces for pro bono initiatives such as Legal Fairs, advice and counsel programs, workshops for pro se litigants and trainings for pro bono attorneys.

- Consider the effect of joining forces to organize recognition events and awards ceremonies for pro bono attorneys.
- Seek the approval of the Administrative Judge of each county in accordance with Rule 16-902.

HELPFUL TIPS:

- The Mid-Shore Pro Bono Committee was the first Regional Pro Bono Committee in Maryland and was formed by the Local Pro Bono Committees of Caroline, Dorchester, Kent, Queen Anne's and Talbot Counties. For information about the creation of the Mid-Shore Pro Bono Committee, contact the Pro Bono Resource Center at 410-837-9379 or 800-396-1274.
- MD Rule 16-902(c)(1) specifically authorizes the formation of a Regional Pro Bono Committee with the approval of the Administrative Judges of the counties that wish to collaborate.

***Comments:** By joining forces with adjacent counties, Local Pro Bono Committees in rural jurisdictions can significantly expand the availability of pro bono services for low-income clients and for the volunteer attorneys who serve them. For example, the Mid-Shore Pro Bono Committee successfully secured funding to form a regional pro bono program, Mid-Shore Pro Bono, Inc., which now coordinates pro bono services throughout the five counties. Local Pro Bono Committee Chairs from Calvert, Charles, and St. Mary's counties met in January 2010 to discuss collaborating on a number of initiatives to streamline services and avoid duplication of efforts, and are exploring the possibility of forming a regional pro bono committee. Recruitment and training of volunteers, client intake and eligibility screening, placement of pro bono cases and recognition and awards ceremonies can all be centralized in rural areas by the formation of a Regional Pro Bono Committee. It can also help to improve the delivery of pro bono services to low-income clients.*

BEST PRACTICES FOR Special Issues in Rural Counties

BEST PRACTICE #32 UTILIZING EXISTING RESOURCES

Tap into already existing resources to provide trainings and other services for pro bono attorneys in your county.

WHAT TO DO:

- Contact the Pro Bono Resource Center to arrange for a training for volunteer attorneys in your county or region as part of ongoing pro bono projects in the following substantive areas:
 - Foreclosure Prevention
 - Consumer Bankruptcy
 - Special Education and School Disciplinary Hearings
- Contact the Pro Bono Resource Center to plan a training program in a variety of substantive areas, including family law, consumer law, elder law, immigration law, tax and employment law.
- Arrange with the Pro Bono Resource Center and your local legal service provider to conduct a free or reduced-fee training in your county in areas such as landlord-tenant disputes, consumer cases, denial of long-term Medicaid, guardian *ad litem*, bankruptcy, child custody and adult guardianship.
- Send the attorney survey developed by your Local Pro Bono Committee to all lawyers in your county and compile a list of attorneys willing to accept pro bono cases and the types of cases they will accept.
- Distribute the list to all interested persons – judges, masters, pro bono coordinators or programs and legal services providers throughout the county.

- Advertise the availability of malpractice insurance, litigations funds, and automatic fee waivers for pro bono attorneys and their clients.

HELPFUL TIPS:

- Pro Bono Resource Center trainings are available free or at a reduced fee to attorneys who agree to accept at least one pro bono case. For more information, contact PBRC at 410-837-9379, 800-837-9379 or pbrc@probonomd.org.
- The Howard County Local Committee developed an Attorney Survey which can be found at Appendix P.
- PBRC administers litigation funds to reimburse pro bono attorneys for expenditures such as mileage, extensive copying, registered and express mail and some discovery costs, including expert witness fees. Pro bono attorneys should contact PBRC at 410-837-9379 or 800-396-1274 for information about the availability of funds.
- Information regarding malpractice insurance and pro bono process services, court reporters, investigators and paralegals is available from the Pro Bono Resource Center at www.probonomd.org or 410-837-9379 or 800-396-1274.
- The automatic fee waiver memorandum used by the Montgomery County Bar Foundation Pro Bono Program is available at Appendix U.

Comments: *Local Pro Bono Committees in rural counties should make use of already existing resources to provide trainings for volunteer attorneys. Many training programs can be organized to include local pro bono attorneys and staff attorneys from local legal services programs as faculty in the program. Local Committees in rural areas should also be certain to provide volunteer attorneys with information about and access to the resources and support available to all Maryland attorneys during their representation of pro bono clients. (See Best Practice #14). Making use of these programs and resources will allow Local Pro Bono Committees in rural counties to have a significant impact on the provision of pro bono service without unduly stretching the resources of the Local Pro Bono Committee itself.*

Part II

BEST PRACTICES *FOR* ***LOCAL PRO BONO COMMITTEES***

Section J ***Innovative Pro Bono Projects***

INTRODUCTION

The following pro bono projects are a few examples of the many innovative methods available for engaging volunteer attorneys and serving the low-income community. Opportunities abound for non-litigators, government attorneys and lawyers in corporate counsel offices to handle matters that do not involve appearances before the courts. Law firms, large and small, can adopt firm-wide projects that engage their lawyers in an on-going program sponsored by the firm. Court programs such as the Family Law Self-Help Clinics in the circuit courts can be models for similar subject matter clinics such as landlord/tenant clinics, elder law clinics or general civil clinics. Ask a Lawyer programs can become monthly or weekly events, such as the “Ask a Lawyer in the Library” program in Anne Arundel County. Similar advice and counsel programs can be organized on a rotating basis at local soup kitchens, homeless shelters, community health centers, or immigrant/day-laborer centers. Opportunities to develop creative projects to engage pro bono attorneys are available to suit the needs of any community and the interests of pro bono lawyers in a wide range of practice areas.

BEST PRACTICES FOR Innovative Pro Bono Projects

BEST PRACTICE #33 NON-LITIGATORS *AND* PRO BONO

Develop projects for non-litigators such as business, tax, corporate, real estate and transactional attorneys, as well as government attorneys and lawyers in corporate counsel offices.

WHAT TO DO:

- Work with the local bar association to organize a senior center/hospice project for the elderly poor.
 - Contact a nursing home or senior center director to explore the options for conducting the project.
 - Provide a training program for those lawyers unfamiliar with the preparation of wills, powers of attorney, advanced directives and other end of life documents.
 - Schedule an afternoon workshop for attorneys to meet individually with seniors to discuss their needs.
 - Have attorneys commit to taking at least two pro bono clients to prepare wills, powers of attorney, advanced directives, etc. and address other legal issues of importance to the seniors they are representing.
 - Consider providing representation in other matters such as consumer fraud, public benefits and pension disputes.
- Establish a community development project to engage real estate, corporate and tax attorneys in work with community associations in need of assistance to:

- Prepare Articles of Incorporation and By-Laws.
- Obtain 501(c)(3) status.
- Purchase and rehabilitate vacant houses and lots.
- Address zoning disputes.
- Shut down drug houses and other neighborhood nuisances.
- Provide legal representation in commercial and corporate governance matters.

HELPFUL TIPS:

- The Bar Association of Baltimore City Legal Services for the Elderly Program is a resource for Local Pro Bono Committees seeking to establish a pro bono program for the elderly. Materials, training programs and other support services are available at 410-396-1322.
- The Legal Aid Bureau conducts a Sixty Plus Legal Program in most Maryland counties that refers eligible seniors to attorneys for representation for a pre-set fee which could be a model for a similar pro bono program. Information is available at www.mdlab.org or 410-951-7777.
- The Community Law Center in Baltimore City provides legal services and technical assistance to community organizations and small businesses in struggling neighborhoods, has a statewide pro bono referral project for community and non-profit organizations, and is an excellent resource for Local Pro Bono Committees. Information about materials and training programs are available at 410-366-0922 ext. 15 or alysonh@communitylaw.org.

Comments: *There is no limit to the types of pro bono projects available for non-litigators, government and corporate attorneys. Local Pro Bono Committees should encourage creative thinking about the needs of their communities in devising new pro bono projects that do not involve the representation of clients in court. By meeting with local social and human services organizations, as well community based organizations such as Habitat for Humanity or a local domestic violence shelter, Local Committees can determine the organizations legal needs and develop meaningful pro bono projects.*

BEST PRACTICES FOR Innovative Pro Bono Projects

BEST PRACTICE #34 LAW FIRMS *AND* PRO BONO

Work with law firms, small, medium and large, to develop pro bono projects to be staffed and operated by the members of the firm as their contribution to the pro bono effort.

WHAT TO DO:

- Identify local law firms known for their expertise in specific practice areas such as estates and trusts, family law, bankruptcy, immigration, tax or real estate.
- Arrange to meet with a partner of a small firm to discuss possible pro bono projects for the firm to adopt.

Examples of small firm projects include:

- Conducting a monthly roundtable for local pro bono attorneys to provide expert advice and mentoring for volunteer attorneys who take cases in a specific practice area such as family law or immigration.
- Staffing a monthly or quarterly “Ask a Lawyer” program, either as a general advice and counsel program or as a program focused on an area of law that is the firm’s specialty, such as consumer protection or estates and trusts.
- Adopting a local homeless shelter or soup kitchen and providing monthly advice and counsel sessions.
- Conducting a bi-monthly self-help consumer bankruptcy or low-income taxpayer seminar.

- Arrange to meet with the managing partner or pro bono coordinator to discuss possible pro bono projects for the firm to adopt. Examples of medium-to-large firm projects include:
 - Underwriting a Legal Fair and providing attorneys to present information sessions and provide one-on-one advice and counsel sessions for participants.
 - Committing to provide attorneys to staff the court-sponsored Family Law Self-Help Clinic twice a month.
 - Underwriting and conducting bi-monthly Green Card and Citizenship workshops for income eligible immigrants.
 - Adopting a struggling neighborhood and providing a full range of legal services to the community association.

HELPFUL TIPS:

- The ABA Standing Committee on Pro Bono has resources available on line for law firm pro bono initiatives at www.abanet.org/legalservices/probono/law_firms.shtml.
- Maryland Volunteer Lawyers Service holds bi-monthly consumer bankruptcy workshops in Baltimore conducted by attorneys and paralegals from Gordon Feinblatt that may serve as a model for other similar law firm projects. Information is available at www.mvlslaw.org/index.php/about_folder/special_programs/.
- The Pro Bono Institute Law Firm Project encourages major law firms to participate in pro bono and administers the Law Firm Pro Bono ChallengeSM. Information is available at www.probonoinst.org/project.php.

***Comments:** Engaging local law firms to take on significant pro bono projects is an excellent way to assure staffing of important pro bono initiatives as well as to encourage other lawyers in the community to participate in pro bono service.*

BEST PRACTICES FOR Innovative Pro Bono Projects

BEST PRACTICE #35

“WHAT TO EXPECT IN COURT” INFORMATION SHEETS

Work with local judges to create “What to Expect in Court” information sheets for distribution to pro se litigants and pro bono clients in the Circuit Court and District Court.

WHAT TO DO:

- Contact the County Administrative Judge to obtain approval of the “What to Expect in Court” project.
- Form a joint committee of local judges, court clerks and members of the Local Committee to develop the “What to Expect in Court” information sheets.
- Identify the types of information sheets to be developed; examples include:
 - “What to Expect in District Court” – a general description of District Court processes and procedures, do’s and don’ts for pro se litigants, how to behave while in court, etc.
 - “What to Expect in Small Claims Court/Traffic Court/Rent Court” – created as separate forms or included as part of the District Court general information form.
 - “What to Expect in Domestic Violence Court” – one information sheet created to cover both District Court and Circuit Court domestic violence procedures.
 - “What to Expect in Circuit Court” – a general description of Circuit Court processes and procedures, do’s and don’ts for pro se litigants, how to behave while in court, etc.

- “What to Expect in Family Court” – focused on the special procedures in divorce, child custody, child support and visitation cases.
- Develop a procedure with Circuit and District Court Clerk’s Offices for distributing the information sheets to pro se litigants and pro bono clients at the time of filing initial pleadings.
- Make the information sheets widely available at courthouses, Self-Help Clinics, pro bono programs, legal services organizations, social and human services agencies and county libraries.

HELPFUL TIPS:

- The Eastern Shore Regional Library has developed superb materials on what to expect in District Court proceedings which are available on the Peoples Law Library website at www.peoples-law.org/self_help/district_court/.
- The Peoples Law Library website has many additional materials helpful for the preparation of “What to Expect in Court” information sheets available at www.peoples-law.info/Home/PublicWeb.

***Comments:** Working with judges and court clerks to develop the “What to Expect in Court” information sheets assures that the process of distributing the information sheets will be incorporated into the daily procedures in the clerk’s offices. Topics to be covered on the information sheets may include: locating the court and the clerk’s office; filing fees; jurisdictional limits, venue and statutes of limitations; explanations of pleadings and pleadings forms; checklists of necessary documents; tips for preparing witnesses and introducing documents; types of relief available; and enforcing judgments. Educating low-income litigants who are pro se or represented by pro bono attorneys about court proceedings is one way to increase meaningful access to the justice system for the underserved as well as facilitate the efficient running of the courts.*

BEST PRACTICES FOR Innovative Pro Bono Projects

BEST PRACTICE #36 “ASK A LAWYER IN THE LIBRARY” PROGRAMS

Establish an “Ask a Lawyer in the Library” program at public libraries throughout your county or region.

WHAT TO DO:

- Partner with the chief librarian and county association of librarians to develop a format and schedule for “Ask a Lawyer in the Library” programs at library branches.
- Partner with the local bar association and/or a local law firm to provide volunteer attorneys to staff the program.
- Work with the librarians to create an advertising campaign for the “Ask a Lawyer in the Library” program that reaches library patrons as well as the general public through Internet and traditional methods.
- Distribute flyers about the “Ask a Lawyer in the Library” program to:
 - Courthouse Self-Help Clinics and clerk’s offices
 - Pro bono programs and legal services organizations
 - Food pantries and soup kitchens
 - Homeless shelters
 - Churches, synagogues, mosques and temples
 - Battered women’s shelters
 - Senior centers
 - Youth centers
 - Alcohol and drug rehabilitation centers
 - Prisons and half-way houses
 - Community centers

- Child care centers
- Include in the advertising materials guidance for participants such as:
 - Prepare questions to ask the attorney.
 - Bring all paperwork related to the matter.
 - Prepare a timeline of the relevant facts.
- Limit the advice and counsel sessions to 20 minutes each.
- Determine criteria for use by volunteer attorneys to identify cases that should be referred to the local pro bono program or legal services providers.

HELPFUL TIPS:

- The Anne Arundel County Law Library developed an “Ask a Lawyer in the Law Library” program at the Anne Arundel County Circuit Court that was highly successful and was expanded to county libraries in the Annapolis area. Information about the Anne Arundel County program is available at 410-222-1387 or library@circuitcourt.org.
- Alternatively, the Prince George’s County Bar Association conducts regular “Ask a Lawyer” programs not in libraries but at the Bowie Gymnasium and the Takoma Park Community Center. Information is available from Community Legal Services of Prince George’s County at (301) 864-8353.

***Comments:** Public libraries are wonderful venues for “Ask a Lawyer” programs because they are located in the heart of their communities and are welcoming to everyone. Rotating the programs throughout the county assures that low-income residents in all communities have access to the service. In communities with large immigrant populations, volunteer attorneys should be bilingual or have interpreters available for the sessions. Some “Ask a Lawyer” programs limit questions to non-family law civil matters, referring individuals with family law questions to the Court’s Self-Help Clinic. Factors to consider in determining the scope of the program include the distance of the public library to the Circuit Court and the availability of public transportation, as well as the availability of bilingual attorneys or interpreters at the court for non-English speakers.*

Part II

BEST PRACTICES* FOR *LOCAL PRO BONO COMMITTEES

Section K ***Local Pro Bono Committee*** ***Membership and Governance***

INTRODUCTION

Since the creation of Local Pro Bono Committees in 2002, lawyers in Maryland have done a remarkable job of establishing Local Pro Bono Committees in counties and regions around the state, preparing Local Pro Bono Action Plans and working to implement those Plans. Local Pro Bono Committees have worked hard to increase the awareness of pro bono opportunities in their counties and the participation of local attorneys in pro bono service. Many Local Committees have implemented key components of their Local Pro Bono Action Plans and all Local Committees are continuing to work to expand pro bono service in their counties. This is so even though in some counties the Local Pro Bono Committee has been unable to attain full membership or to maintain a Local Committee chairperson on a consistent basis. The final “Best Practice” in this *Best Practices Manual* addresses the issue of Local Committee membership and governance by identifying the mandates of MD Rule 16-902 and suggesting ways for Local Pro Bono Committees to carry out those mandates and the resources available to help support those efforts.

BEST PRACTICES FOR Local Pro Bono Committee Membership and Governance

BEST PRACTICE #37 RESPONSIBILITIES OF LOCAL COMMITTEES

Strive to comply in full with the mandates of MD Rule 16-902 regarding the composition and responsibilities of the Local Pro Bono Committee.

WHAT TO DO:

- Work with the County Administrative Judge and the District Administrative Judge to assure full membership of the Local Pro Bono Committee *on an annual basis* in accordance with MD Rule 16-902 (a)(5).
- Pursuant to MD Rule 16-902(a)(2), assure that the Local Pro Bono Committee consists of a minimum of 8 members, including:
 - At least 2 representatives of legal services organizations and pro bono programs that provide services in the county.
 - The District Public Defender or an assistance public defender.
 - At least 3 but no more than 5 county lawyers, one of whom is an officer of the county bar association.
 - At least 1 but no more than 2 members of the general public.
 - A least 1 but no more than 2 trial judges.
- Establish term limits for each position on the Local Pro Bono Committee, as well as a procedure for rotating members and obtaining new members.
- Work to implement the Local Committee's Pro Bono Action Plan in partnership with the courts, county bar association, and local pro bono programs and legal services organizations.

- Reach out to your county liaison on the Standing Committee for Pro Bono and invite them, as well as other Standing Committee members, to attend Local Committee meetings and to participate in Local Committee Projects.
- File an *Annual Report* about the ongoing implementation of the Pro Bono Action Plan with the Standing Committee on Pro Bono Service by *May 1* of each year.

HELPFUL TIPS:

- The Standing Committee has developed a form for use by Local Pro Bono Committees in preparing the Annual Local Pro Bono Committee Report. A copy of the form is available at Appendix V. Contact the Pro Bono Resource Center to obtain an electronic copy at 410-837-9379, 800-396-1274 or sgoldsmith@probonomd.org.
- A copy of Rule 16-902 is available at Appendix B.

***Comments:** Reviewing the membership of the Local Pro Bono Committee with the County Administrative Judge each year assures that he or she is aware of the activities of the Committee and helps to keep the County Administrative Judge engaged in the Local Committee's work. Likewise, maintaining full membership and rotating Committee positions makes it is easier to keep Local Committee members active and involved in the work of the Local Pro Bono Committee. Local Pro Bono Committees are encouraged to use the annual Local Pro Bono Committee Report due on May 1 as a benchmark and a target for implementing the provisions of their Local Pro Bono Plans.*

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