



Pro Bono Primer for Florida Lawyers



Presented by

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The Term “Pro Bono”



Pro bono publico

- *“for the public good”; for the welfare of the whole.*

Pro Bono

- *“for the good”; used to describe work or services done or performed free of charge*



Rule 4-6.1

Rules Regulating the Florida Bar



As part of a lawyer's ***professional responsibility***, every lawyer should:

1. render pro bono legal services to the poor; and
2. participate in other pro bono service activities that directly relate to the legal needs of the poor.



Rule 4-6.1

Rules Regulating the Florida Bar



A lawyer's professional responsibility to provide pro bono legal service to the poor may be discharged by:

- 1. annually providing at least 20 hours of pro bono legal service to the poor; or**
- 2. making an annual contribution of at least \$350 to a legal aid organization**



Rule 4-6.1

Rules Regulating the Florida Bar



- Aspirational in nature
- Failure to fulfill one's professional responsibility under the rule will not subject a lawyer to discipline
- ***BUT*** . . . must report annually whether lawyer has satisfied professional responsibility
- Failure to report will constitute a disciplinary offense under the rule



What Qualifies as Pro Bono?



- Pro bono legal services to the poor is to be provided not only to those persons whose household incomes are below the federal poverty standard but also to those persons frequently referred to as the “working poor.”
- “Working poor” has no universally accepted definition but generally regarded as those with limited means and cannot reasonably afford legal services they need
 - good faith determinations by the lawyer of client eligibility is sufficient

Amendments to Rules Regulating the Florida Bar 1-3(a) and Rules of Judicial Administration 2.065 (Legal Aid), 630 So. 2d 501, 509 (Fla. 1993).



What Qualifies as Pro Bono?



Free legal services to

“... charitable, religious, civic and educational organizations in matters which are designed predominantly to address the needs of poor persons.” 598 So. 2d 41, 48

“... special groups of the poor, such as children, mentally ill, migrants, developmentally disabled, elderly, prisoners, etc. . . .” 598 So. 2d 41, 45



What Qualifies as Pro Bono?



Including but not limited to:

- **Representation of clients through case referral**
- **Interviewing of prospective clients**
- **Participation in pro se clinics and other clinics in which lawyers provide advice and counsel**
- **Acting as co-counsel on cases or matters with legal assistance providers and other pro bono lawyers**
- **Providing consultation services to legal assistance providers for case reviews and evaluations**

630 So. 2d 512



What Qualifies as Pro Bono?



- Participation on policy advocacy
- Providing training to the staff of legal assistance providers and other volunteer pro bono attorneys
- Making presentations to groups of poor persons regarding their rights and obligations under the law
- Providing legal research
- Providing guardian ad litem services
- Providing assistance in the formation and operation of legal entities for groups of poor persons
- Serving as mediator or arbitrator at no fee to client-eligible party

630 So. 2d 512



Award of Attorney's Fees in Pro Bono Matter



Matters originally accepted on a pro bono basis will not change the pro bono context if attorney's fees are later awarded.

What to do with that award?

- Use to fund additional pro bono matters
- Deposit fees into charitable organization
- Donate fees to organization that helped during pro bono matter



What Does Not Qualify



- Legal services written off as bad debt
- Serving on a bar committee
 - Legal assistance provided in the context of that membership counts (e.g., preparing a brief)
- Time spent in administering a firm's pro bono efforts
- Service on a board of legal services unless work performed is legal work (e.g., negotiating lease or drafting by-laws)
- General mentoring programs



Ten Reasons to Do Pro Bono



1. For every pro bono case I take, I undermine one more attorney joke.
2. I can keep my paying clients while holding on to my dream of making a difference in my community.
3. God probably won't care if I am "this close" to a billable hours bonus.
4. My kids will think I am cool.
5. I don't get a pass on something this important just because I am busy.



Ten Reasons to Do Pro Bono



6. Pro bono keeps me in touch with my inner Atticus Finch.
7. Because saving a child or even a family is a life changing experience I will always remember.
8. It recharges my batteries.
9. Attorneys who do pro bono say it makes them better attorneys.
10. Because I promised I would when I took the oath.



Oath of Admission to the Florida Bar



“I will never reject from any consideration personal to myself the cause of the defenseless or oppressed.”