

Pro Bono Committee, Business Law Section
Meeting Minutes
January 18, 2018, 8:30-9:30am
Florida Bar Annual Meeting
Hilton Bonnet Creek, Orlando, Florida

Meeting was called to order by John Macdonald, Committee Chair, at 8:32 a.m.

- I. Introductions of all Attendees and BLS Fellows**
- II. Reading of Mission Statement**
 - a. Mr. Macdonald read the Mission Statement of the Pro Bono Committee:
The mission of the Pro Bono Committee is to achieve 100% participation in pro bono service by Business Law Section members and attorneys in their firms.
- III. Old Business**
 - a. **Approval of Minutes:** The minutes of the meeting held September 2, 2017, which were prepared by Ms. Dorrough, were unanimously approved.
- IV. Ongoing Projects**
 - a. **Report from Claud Nelson – Florida Bar Foundation**
 - i. **Florida Bro Bono Matters (“PBM”)**
 1. Pro bono cases are now gathered statewide.
 2. Family and immigration have been most popular cases.
 3. PBM recently did promo ad with YLD, which can be viewed on Florida Bar website.
 4. New texting feature along for new cases to be sent directly to those whose profiles match; still trying to set up way to take a case directly from social media.
 5. January 28 to February 28: Pro Bono Challenge for the programs active on site and the local YLD sections to see who takes the most cases.
 6. Foundation is trying to make it as easy as possible for programs to participate. A link to the PBM website is also embedded in each program's own website. Each local program must decide which cases to populate on the PBM site.
 7. Inquiry about whether “low bono” matters might appear on PBM website. Claud says the focus in Florida is free work for the poor, but there is increasing awareness of reduced fee arrangements.
 - a. Dade Venture Law project is an example of low bono. Mark Stein recommends talking to Karen Ladis, executive director, and Bruce Levine, pro bono coordinator, at Dade Legal Aid.

- b. Judge Isicoff suggests that specific attorney groups may be more willing and able to do low bono cases, as has been done in Miami Dade County.
- c. Issue is that “pro bono” is typically defined in relation to an income of up to 200-400% of poverty line. Florida Rules of Professional Regulation define “pro bono” by income.

ii. **BLS Website Link**

- 1. To help PBM, what can BLS do?
- 2. We have a link on the BLS Pro Bono Committee webpage, can mention the program in blast emails, and get the larger firms to parallel that access on the firm intranet webpage.
- 3. We can ask BLS to put a link directly on the BLS main webpage.
- 4. Our committee could offer a free Retreat prize for people who take a case during the Annual Meeting. Foundation could run the promotion and gather information on who takes cases (without honor system). BLS Committee chairs would need to buy-in to announce and participate at the start of the meeting when they do the pro bono mission statement

→ **Melanie Damian, Section Chair, joins us to offer assistance.**

If we draft a blast about PBM and give it to Tracey Eller, Tracy will send it when there is a lull in the BLS email traffic.

iii. **Florida Equal Justice Works Fellows**

- 1. For 2017-2019, there are five EJW Fellows, all working on community economic development projects with various focus.

b. **Report from Florida Bar Standing Committee on Pro Bono – Judge Isicoff**

- i. A great commercial for YLD premiered recently, and is up on Foundation's website.
- ii. Two rule changes that will expand potential pro bono attorneys.
- iii. Change in *cy pres* rule for excess residue funds in class actions.

c. **Non-Profit Clinics – Report on Celebrate Pro Bono Week, October 2017**

- i. Mr. Macdonald reports that BLS’ participation with non-profit clinics may have run its course. Most of the clinics have been taken over or taken back by the local legal aid providers.

d. **Website Content – Expanded role as gateway for pro bono opportunities**

- i. PBM blurbs should be drafted and given to Tracey Eller for blast emails to BLS members.

e. **Florida Bar Foundation – Fellows Drive**

- i. The Fellows drive continues, and will have a table at the June meeting.

- ii. Mr. Macdonald will make announcement at BLS Executive Council meeting about Fellows program.

V. New Business

a. Potential Revision of Mission Statement

- i. Issues: Is it realistic to expect 100% participation by BLS members and other attorneys? Do we address something else? Should we have a goal that we know we cannot meet?
- ii. Alternatively, we should still strive for our highest goal.
- iii. Suggestion by Judge Isicoff and Judge McEwen is that we look into ways we can get feedback about why BLS members are not doing pro bono. We could do a Survey Monkey blast asking, have you heard of this rule re clinics, have you checked out the new PBM website, did you have a case in the last 6 months, etc.

b. Use of Money in BLS Budget

- i. Mark Stein made a budget request to buy a table at the Florida Bar Foundation Dinner. A table seats 10 people and costs \$4000.
- ii. Paige Greenlee asked if the Pro Bono Committee could take over responsibility for BLS getting 10 people at the table.
- iii. The request is well-received and we plan on filling out a table.

c. Florida Pro Bono Matters Act of 2018 (SB 146, HB 57)

- i. Title is misleading given the law's very, very narrow focus, and it does not need to be addressed as part of this Committee's work.

d. Rule 4-6.6–Short term limited legal services programs–Conflict safe-harbor

- i. This rule concerns providing pro bono services in a clinic, and establishes a safe harbor such that a firm cannot be conflicted out of a major part of business unless there is a direct conflict with a case handled at a clinic.

e. Rules 12-1, *et seq.* – Pro bono service by “emeritus attorneys” (retired lawyers, in-house counsel, law professors)

- i. This rule enables emeritus attorneys, including retired lawyers who are not licensed in Florida, law professors, etc., to engage in pro bono work so long as they are working for a legal aid provider (supervised).
- ii. How is this being advertised? The Florida Bar reached out to 10 states with most lawyers, who may move to/retire in Florida.
- iii. Suggestion is made that local newspapers could run an op-ed on new rule.

f. Consideration of Telephonic Meetings

- i. It is suggested not only to meet telephonically, but also to meet every other month or more frequently than the few in-person meetings each year. Those additional meetings could be phone conferences.

- ii. The Committee agrees to try to hold a telephone meeting every other month (with a conference call number) to keep in touch on ongoing projects.

g. **Publicize and Promote *Best Practices Guide for a Firm Pro Bono Policy***

- i. We will continue to figure out how to publicize and utilize. Part of the utility is its focus on encouraging firms to give credit for pro bono cases/hours, which can increase overall pro bono participation, too.
- ii. Can Florida Bar Foundation help publicize it?
 - 1. Claude says yes, they could add a link on their website.
- iii. Judge McEwen recently provided the Policy as a template at the Tampa, Florida Managing Shareholder Summit.

VI. Adjournment: Meeting was adjourned at 9:34am.

Next Meeting: The BLS Annual Retreat will be held August 31-September 3, 2018, at the Hyatt Regency Coconut Point in Bonita Springs, Florida.