

**Meeting Minutes for the Pro Bono Committee
Business Law Section Retreat – Naples, FL
September 1, 2012**

1. The meeting is called to order at 9:04 a.m. by Committee Chair Mark Stein.
2. The following people were in attendance: Mark Stein, Mark Nichols, Maxine Long, the Honorable Laurel Isicoff, John MacDonald, Keith Appleby, Paul Singerman, Murray Silverstein, the Honorable William Van Nortwick, the Honorable Michael Williamson, Susan Sharp, and the Honorable Catherine McEwen.
3. Chair Stein opened the meeting by reading the mission statement.
4. The Committee received reports from local hosts of each non-profit clinic. Members reported other cities expressed interest in holding similar events, including interest from Holland & Knight in Tallahassee and Brad Saxton's firm in Orlando. Members who attended the Miami clinic reported fewer than hoped for numbers of non-profit attendees, providing those who did attend with two to three lawyers per entity. Maxine Long suggested reaching out to Miami Arts Council and other government entities that may be able to identify not-for-profit organizations that would be interested in the clinic. For Miami, the legal aid contact did not reach out to all not-for-profit branches, just those who legal aid already had contacts with. The Tampa clinic found many not-for-profit corporations were already being serviced by large local law firms. Paul Singerman suggested reached out to United Way umbrella organizations.

The discussions turned to the definition of "pro bono" work, and whether work with the not-for-profit corporations constituted helping the indigent. The group agreed pro bono service should include work for people and organizations doing good deeds, but that are not necessarily indigent. Examples included an organization in Miami who wanted to lift the Pit Bull ban, and an organization who counsels parents who have lost children. The Florida Bar Rule of Professional Conduct 4-6.1 states lawyers should "lend pro bono legal services to the poor." There was a discussion regarding amending this provision, however, the committee acknowledged that any proposed changes would have to go through the Ethics Advisory Board and be approved by the Florida Supreme Court. Several members claim to have had no issues getting full pro bono credit for doing work with 501(c)(3) corporations.

The discussion turned back to the types of work the clinics could be providing. Several members suggested not-for-profit "creation" work, including helping the United Way, who supposedly gets grant applications all the time. This creation work was very popular at the Tampa clinic. Finally, members stated Tampa and Miami are looking to have additional clinics in the Spring. Chair Stein also hoped to reach out and get clinics going in Fort Lauderdale and Orlando.

4. Judge Isicoff gave a brief report on the Model Pro Bono Policy project. She reported the project has gotten off to a slow start. Judge Isicoff and Judge McEwen reviewed the 12

responses to the pro bono survey, including 7 firm policies. Judge Isicoff also suggested using the Pro Bono Institute's website for guidance; the website includes a clearinghouse for resources, including a "best practices" forum. The Oregon Bar Association also has a pro bono policy the Committee could use as a source. Paul Singerman also suggested reaching out to law firm consultants, and having them pass on pro bono policies from other firms.

Judge Isicoff posed the question of whether the Committee wants to create a form policy or simply post the policies we receive to the website. Chair Stein concluded that because we want firms to adopt a pro bono policy, the Committee should be charged with drafting a model policy. The following people volunteered to participate on the subcommittee for drafting the policy: Jen Morando (volunteered by Mark Nichols), Maxine Long, Judge Isicoff, Paul Singerman and John MacDonald.

5. Judge Williamson gave a report on the BLES Initiative. BLES stands for Bankruptcy Law Educational Series. Contributions are made from bankruptcy CLEs that are "BLES sanctioned." The BLES Board would consist of the chairs from all the local bankruptcy bar associations. The idea was discussed at the Bankruptcy Judicial Liaison meeting the previous day. At that meeting, someone discussed another funding option to be an alternative "sanction" to include a tax-deductible contribution to BLES. Several Miami lawyers noted sanctions in South Florida include contributions to the South Florida Foundations, which funds clinics (more than bankruptcy). There was also discussion about capital campaigns, or receiving initial contributions from the bankruptcy bars.

Judge Williamson posed the questions whether the Business Law Section should start a similar initiative. Chair Stein liked the idea, because there are federal money sources available that could possibly be used for such funding. Paul Singerman reports the Dade County Bar's pro bono committee is facing significant funding cuts, so there will be significant competition for any money. Members from the meeting following the Pro Bono Committee began to enter the room, so Chair Stein ended this conversation for some closing remarks.

6. Chair Stein ended by stating one of his primary goals this year will be to better coordinate the Section's pro bono efforts around the state. This includes making sure the Section does a better job at getting not-for-profit entities to attend its clinics. Judge McEwen stated that each circuit should have a pro bono committee, and many of them have long-term plans. Our committee should reach out to them in a joint effort to get additional pro bono projects launched.
7. Chair Stein adjourned the meeting at 10:09AM.