



Model Pro Bono Policy for Hawai'i Law Firms

The Hawai'i Access to Justice Commission ("Commission"), through its Committee on Increasing Pro Bono Legal Services,¹ reviewed policies in various states and adopted the model policy below based on the Montana pro bono policy. On August 20, 2009, the HSBA board of directors endorsed this policy.

On August 31, 2009, the law firm of Ayabe Chong Nishimoto Sia & Nakamura was the first firm to indicate that it would adopt this model policy.

Model Pro Bono Policy for Hawai'i Law Firms

I. Commitment to Pro Bono

An extraordinary need exists in this country for the provision of legal services for those unable to pay for them. Despite the generous contributions of many attorneys, the legal needs of the disadvantaged in Hawai'i continue to go largely unmet. While many law firms undertake pro bono matters, many lack a formal written pro bono policy. The formal adoption of such a policy is critical in affirming that this firm supports pro bono services and encourages every attorney to render such service. We hereby adopt the following pro bono policy.

II. Pro Bono Defined

The foremost objective of our pro bono policy is to provide legal services to indigent or near indigent members of our community and the non-profit organizations that assist them. The Hawai'i Supreme Court has defined pro bono publico service under Rule 6.1 of the Hawai'i Rules of Professional Conduct. That rule, in part, states:



Seated (from left): Kenneth T. Goya and Robert A. Chong; Standing (from left): Richard F. Nakamura, Monica K. Suematsu, Sidney K. Ayabe, Gail M. Kang, and John S. Nishimoto

A lawyer should aspire to provide at least fifty (50) hours of pro bono legal services per year. In fulfilling this responsibility; the lawyer should:

- (a) provide at least twenty-five hours of legal services without fee or expectation of a fee to:
 - (1) persons of limited means, or
 - (2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means

The rule goes on to discuss additional pro bono or reduced fee services to individuals, groups or organizations in matters in furtherance of their organizational purposes where the payment of standard fees would deplete the organization's resources or would otherwise be inappropriate. Because certain activities, while meritorious, do not involve direct provision of legal services to the poor as set forth under Rule 6.1, under this policy, pro bono service does not include non-legal volunteer activities,

fee-generating matters which have become uncollectible, or unsuccessful contingency matters.

In addition to direct services, the firm also encourages all staff to contribute financial support to organizations that provide services free of charge to persons of limited means.

III. Time Devoted to Pro Bono Service

Each attorney may devote as much time to pro bono work as he or she wishes consistent with other firm responsibilities. The firm expects each attorney to perform at least 50 hours of pro bono service per year. Up to 50 hours spent on pro bono projects will be credited towards billable hour expectations. In the event a particular project requires an unusual time commitment, the firm will consider granting additional credit towards billable hour requirements. In any event, no attorney will be penalized for having fewer billable hours due to an increased commitment to approved pro bono projects.

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IV. Recognition of Pro Bono Service

The firm recognizes that the commitment to pro bono service involves a personal expenditure of time. The firm strongly encourages and expects its attorneys to honor their professional responsibilities by providing pro bono services. Each attorney's efforts to satisfy this expectation will be considered in performance evaluations and compensation decisions. Pro bono work will be given equal consideration and reviewed according to the same standards as any other work. As with all client work there should be an emphasis on effective results for the client and the efficient and cost effective use of firm resources.

V. Pro Bono Opportunities

Attorneys are encouraged to seek out pro bono matters that are of interest to them. The law firm encourages attorneys to take pro bono cases through organized local pro bono programs. Such programs provide many benefits as well as opportunities including free continuing legal education (CLE) training, screening for income eligibility, case merit and mentoring, professional liability insurance and reimbursement for some disbursements.

VI. Pro Bono Coordination and Administration

The firm shall designate a pro bono coordinator or pro bono committee whose responsibility it shall be to implement and administer the firm's pro bono policies and procedures. These responsibilities include reviewing, accepting and/or rejecting pro bono legal projects, establishing firm income eligibility guidelines, and communicating pro bono opportunities available to attorneys and paralegals. Attorneys are encouraged to seek out pro bono matters that are of interest to them.

Pro bono legal services shall be directly provided by the individual lawyer and not be delegated or passed on to another lawyer in the firm. The lawyer shall keep track of all time spent providing pro bono services. The firm shall voluntarily report total annual pro

bono hours expended to the Hawai'i State Bar Association or other organization upon request.

Attorneys shall provide high quality representation to all clients regardless of their ability to pay. Pro bono projects will be given the same staffing, attention and resources as any other project. Pro bono matters are to be supervised by partners with the full resources of the firm available in support.

All pro bono legal matters will be opened in accordance with regular firm procedures including the utilization of a conflicts check and an engagement agreement. With reference to Rule 6.1 comment, the firm encourages its attorneys to seek and obtain attorney fees in pro bono legal matters where permitted and lawyers who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.

Addressing Pro Bono Expectations in the Hiring Process

Pro bono service is an integral part of the firm's practice. The firm's strong commitment to pro bono work should be emphasized throughout the hiring process. Pro bono service should be discussed when interviewing any job applicant. Each new attorney and paralegal will be given a copy of the firm's Pro Bono Policy and will meet with the firm's pro bono coordinator to discuss his or her specific areas of interest. Summer associates are expected to participate in pro bono matters.

¹ The Committee on Increasing Pro Bono Legal Services is chaired by Moya Gray, Executive Director of Volunteer Legal Services Hawaii and Commissioner on the Hawai'i Access to Justice Commission. Other members of the committee are: Gilbert Doles, Mihoko Ito, Clara Javier, Derek Kobayashi, Colbert Matsumoto, Simone Polak, Wayne Tanna, Stephen Tannebaum, Shannon Wack, and Tracey Wiltgen.