

APPENDICES FOR REVISED STATE PRO BONO ACTION PLAN

- A- List of Standing Committee Past and Current Members
- B- Combined Recommendations of Action Plan
- C- Proposed Language for Changes to Rule 16-902
- D- Key Findings from 2005 Reporting Results
- E- Proposed Language Changes for Lawyer Pro Bono Legal Service Report and
Approved Form
- F- Ethics Opinion No. 124

STANDING COMMITTEE ON PRO BONO LEGAL SERVICE

Current and Past Members

| Committee Member Name | Designee Appointment | Liaison |
|---|--|--|
| <i>Mr. Ward B. Coe, III, Esq.</i> | Committee Chair Sixth Appellate Circuit | Baltimore City |
| <i>Ms. Jo Benson Fogel, Esq.</i> | Seventh Appellate Circuit | Montgomery County |
| <i>Donald Braden, Esq.</i> | First Appellate Circuit | Kent, Queen Anne's, Wicomico, and Worcester Counties |
| <i>Rev. Jamal Bryant</i> | Public Member | |
| <i>Ms. Patricia Chiriboga-Roby, Esq.</i> | Legal Services Representative | Baltimore City |
| <i>James Eagan, III, Esq.</i> | Third Appellate Circuit | Carroll, Frederick, and Howard Counties |
| <i>Honorable Angela M. Eaves</i> | District Court Member | Harford and Cecil Counties |
| <i>Nancy Forster, Esq.</i> | Office of the Public Defender | |
| <i>John Gunning, Esq.</i> | Office of the Public Defender | |
| <i>Mr. Peter A. Holland, Esq.</i> | Fifth Appellate Circuit | Anne Arundel County |
| <i>Honorable Cathy Hollenberg Serrette</i> | Fourth Appellate Circuit | Prince George's, Calvert, Charles and St. Mary's Counties |
| <i>Ms. Patricia Jordan</i> | Public Member | Talbot County |
| <i>Ms. Connie Kratovil Lavelle, Esq.</i> | First Appellate Circuit | Kent, Queen Anne's, Wicomico and Worcester Counties |
| <i>Hannah Lieberman, Esq.</i> | Legal Services Representative | Allegany, Garrett and Washington Counties |
| <i>Rhonda Lipkin, Esq.</i> | Legal Services Representative | |
| <i>Honorable Karen Murphy Jensen</i> | Circuit Court member | Caroline, Somerset, Talbot and Dorchester Counties |
| <i>Stephen J. Nolan, Esq.</i> | Second Appellate Circuit | Baltimore County |
| <i>Paula Peters, Esq.</i> | Fifth Appellate Circuit | Anne Arundel County |
| <i>Ms. Powel Welliver, Esq.</i> | Third Appellate Circuit | Carroll, Frederick, and Howard Counties |
| <i>Staff Counsel: Sharon E. Goldsmith, Esq. Project Staff: Steven Blume</i> | | |

STANDING COMMITTEE ON PRO BONO LEGAL SERVICE **RECOMMENDATIONS**

RECOMMENDATIONS REGARDING LOCAL COMMITTEES

Based on the Standing Committee's observations and feedback from local committees, the Standing Committee has the following recommendations:

RECOMMENDATION #1:

The Court of Appeals should adopt changes to Rule 16-902 regarding the composition of local pro bono committees. Those changes should include:

- a. requiring at least one but not more than two Circuit and District court judges selected by the County Administrative Judge to serve on each committee;
- b. charging the County Administrative Judge with the appointment of a member of the local committee to serve as temporary chair who shall convene a meeting at which the committee shall elect a member to serve as chair;
- c. requiring that the local committee set up a rotation process for committee membership;
- d. stating that on at least an annual basis, the County Administrative Judge shall take steps to ensure full membership of the local committee;
- e. eliminating the maximum of three representatives of legal service providers and pro bono referral organizations for committee membership in Rule 16-902(a)(2)(iii). The Standing Committee believes that maximum participation of such organizations should be encouraged to facilitate the coordination of the delivery of legal services to the poor;
- f. requiring submission of annual reports from the local committees on May 1 of each year; and
- g. allowing counties within the same region to join together as a local committee with approval of all Administrative Judges from those counties where appropriate.

The proposed language for the specific changes to Rule 16-902 are attached as **Appendix C**.

RECOMMENDATION #2:

The AOC should provide a mechanism for receiving, evaluating and granting requests for funding of locally-based pro bono projects or initiatives from the local pro bono committees.

RECOMMENDATION #3:

The Court should encourage greater involvement by the local bench and court personnel in the planning and implementation of the local pro bono plans. One method of accomplishing this is to encourage court personnel to join the committee as consultants and actively participate in the process.

RECOMMENDATION #4:

The Standing Committee also believes that the following practices of some local committees were particularly effective and that all local committees should consider them in formulating, reviewing and revising their plans:

a. Local committees should look to local plans from other jurisdictions and recommendations to develop policies and practices for judicial involvement in pro bono activities. Those policies should include suggestions for instituting docket preferences and flexible scheduling, encouraging alternative dispute resolution, and recruitment, referral, training and recognition of volunteer lawyers.

b. Where there is evidence of a need, the local committee should recruit attorneys to register on a list maintained by the local Office of the Public Defender to accept referrals of pro bono or reduced fee cases. The Public Defender's Office should set up a mechanism for referring those potential clients who are above the income guidelines, but within the MLSC guidelines, to the lawyers registered.

c. Local pro bono committees should address the barriers to accessing legal services cited in their plans, including language, transportation, and cultural barriers. Local committees should work with the courts and ethnic community groups to develop specific mechanisms for increasing access to interpreters and making legal services available for non-English speakers. They should also be encouraged to approach their local county planning offices or government officials who are responsible for transportation and social services in the county and urge them to develop reasonable means of transportation to legal services programs.

d. Local committees should speak with local providers to determine what additional funds may be necessary to implement their plans and projects. Local pro bono committees need to identify specific budget needs for their pro bono projects and initiatives and determine who will be responsible for the actual operation and monitoring of the projects. They should create concrete goals for locating additional funds for local

pro bono and legal services programs from the county government, lawyer contributions, the business community, foundations, the courts, the AOC and MLSC.

e. Local committees should discuss the adequacy of the screening process for pro bono referrals with local legal services programs operating in their jurisdiction at least annually. If problems are identified, the committee should work with the providers to address them.

f. Local committees should work with the local providers to communicate to lawyers in the county the anticipated amount of time expected for a case referred from each provider, the scope of work, and availability of support services, including malpractice insurance, a statewide litigation fund (funded through MLSC) and mentors.

g. Local pro bono committees should work closely with the legal services providers to develop opportunities for transactional lawyers (corporate, real estate and tax in particular) by reaching out to community groups, the faith-based community and non-profits and assessing their needs for those areas of legal expertise.

h. Local committees should work with legal services providers to identify new ways in which lawyers can become involved in pro bono work other than direct representation, including participating in legal clinics, training other volunteers, conducting intake and screening, engaging in public education, rendering outreach services, staffing legal hotlines, mediating, researching, and legislative work.

i. Local committees should explain how they plan to address the issue of outreach to the community about the availability of legal services. As a first step, each local committee should review the Maryland Lawyers Care brochure produced by the Standing Committee and PBRC and make whatever revisions it deems necessary so the Standing Committee can publish copies for the county. The committees should also detail how and to whom they will distribute the brochures and how they plan on updating them every few years.

j. The Standing Committee believes it is important to have a local presence for the effective pro bono delivery of legal services to recruit lawyers and screen and refer clients. Some jurisdictions have this presence through MVLS or local bar foundations. Local committees in other jurisdictions should identify local or regional pro bono coordinators.

The Standing Committee views the Local Pro Bono Plans as a first step in improving access to legal services in the state. The Plans are, however, works in progress and will evolve as communities evolve, the bar changes and needs shift. Plans should be monitored, reviewed and reevaluated annually by the local committee to determine whether changes need to be made and to help the committee plan its action items for the next year.

RECOMMENDATIONS TO COURT OF APPEALS
RELATING TO REPORTING PRO BONO SERVICE

RECOMMENDATION #5:

The Court of Appeals of Maryland should approve the modification of the Lawyer Pro Bono Legal Service Report form to allow for deletion of unnecessary information and the inclusion of a category inquiring where a lawyer was engaged in the practice of law, including firm size. Other revisions should include referencing the Frequently Asked Questions on the form, allowing lawyers to add additional information to Question # 3 regarding activities to improve the law, legal system or legal profession, and including an easy way for lawyers to volunteer. (For a specific listing of the revisions and the language associated with them, and a copy of the new form, see **Appendix E**).

RECOMMENDATION #6:

The Court of Appeals should authorize the Standing Committee to work with the AOC on modifying the Lawyer Pro Bono Legal Service Report form as necessary to ease compilation and reporting of results without the formal adoption of such changes to the form by the Court.

RECOMMENDATION #7:

The Court of Appeals should combine the mailing of the Lawyer Pro Bono Legal Service Report, the IOLTA Compliance form and the Client Protection Fund invoices for ease and efficiency.

RECOMMENDATION # 8

The current annual reporting process should be maintained as a useful tool for gauging lawyer participation in pro bono legal services and for planning pro bono efforts statewide. It has also proven valuable in reminding lawyers of their professional responsibility to engage in pro bono work and needs to continue to be part of the annual mailing received by licensed practitioners from the Court to sustain its impact.

RECOMMENDATIONS FOR PRO BONO DELIVERY SYSTEM

The Standing Committee has the following recommendations for the Pro Bono Delivery System at this time. The Committee will update its recommendations as additional plans are received from local committees.

RECOMMENDATION #9:

The primary method for increasing the delivery of pro bono legal services is through local plans that have been developed and those which will be developed and implemented by local committees. The Standing Committee should remain in place to provide support to local committees which have not completed their plans. In providing that support, the Standing Committee should compile a *Best Practices Manual* for local committees and encourage local committees to complete the planning process as soon as possible.

RECOMMENDATION #10:

The Standing Committee should continue to work with local committees in supporting and coordinating the delivery of pro bono legal services. The Standing Committee will encourage collaboration among local committees where warranted in order to maximize opportunities to address the need and will review and respond to the annual reports submitted by local committees.

RECOMMENDATION #11:

The Standing Committee will submit a revised statewide plan after receipt of all of the plans of local committees and revisit the Action Plan on a bi-annual basis to ensure its effectiveness and identify additional areas of focus.

RECOMMENDATION #12:

Rule 16-901 states that the Standing Committee should include suggestions for the kinds of pro bono activities that will be most helpful in meeting the need for pro bono legal service throughout the State and should address long-range pro bono service issues. The Standing Committee believes that the best means of accomplishing this is to work with PBRC to convene a statewide leadership conference with the major stakeholders in the legal services community and the bar. The conference will examine how pro bono legal service fits into the broader legal services delivery system, identify gaps and overlaps, and delineate where particular strengths and skills of programs should be focused. The conference should consider the types of pro bono cases best suited for referral to volunteers and those best handled by legal services organization staff as well as how the programs can best complement one another.

RECOMMENDATION #13:

There is a need to increase the availability of pro bono family law services that has consistently been demonstrated at the state and local levels. The need is so great, however, that pro bono lawyers cannot satisfy all of it; they can address part of it. Family law practitioners already contribute a substantial amount of pro bono work. There are opportunities available for other practitioners to receive training in different aspects of family law from various sources. The Standing Committee should work with the PBRC and local committees and legal services providers to increase awareness of these training

opportunities and to encourage lawyers to take advantage of them so that they are able to help address the family law dilemma.

RECOMMENDATION #14:

The Standing Committee researched the policies and rules relating to outside practice and pro bono work at the various government agencies throughout the state. The conclusion was that a number of offices (including county law offices and state's attorney's offices) allowed for pro bono service, either as an exception to a prohibition on outside practice or by encouraging pro bono activities as a policy matter. The Standing Committee should work with government agencies to encourage them to modify their rules to allow for lawyers in their offices to engage in pro bono practice. Model policies such as those in place in the Office of the Attorney General, Baltimore City State's Attorney's Office, Baltimore County Office of Law and the Office of the Public Defender can be used as examples for other government agencies.

RECOMMENDATION #15:

The Standing Committee will work with local committees and law firms to identify pro bono opportunities for in-house counsel and ways to recruit in-house counsel to do pro bono work.

RECOMMENDATIONS FOR JUDICIAL INVOLVEMENT

RECOMMENDATION #16:

The Court should issue a memorandum delineating the types of activities judges should engage in to increase pro bono participation among the members of the bar and to ease access to the courts for those of limited means. This memorandum should be distributed to the Conference of Circuit Court Judges, the Conference of District Court Judges, and each individual judge along with communications through AOC publications to court personnel to foster a sense of collective responsibility.

RECOMMENDATION #17:

The Court should emphasize the role of the bench in the development of pro bono services at judicial conferences.

RECOMMENDATION #18:

The Court should adopt liberal continuance and scheduling policies for pro bono counsel that recognize that: a) pro bono lawyers are often brought into the case days before trial; and b) pro bono cases may conflict with "paying" cases. In the event of a conflict between AOC time standards and assuring adequate representation, the latter should take precedence.

RECOMMENDATION #19:

The Conference of Circuit Court Judges should be asked to consider systemic changes that would enhance the development of pro bono services, including, but not limited to a system for identification of litigants in need of pro bono counsel and referrals to appropriate services.

RECOMMENDATION #20:

Significantly more opportunities for Alternative Dispute Resolution (ADR) should be provided onsite early in the litigation process for pro bono litigants.

PROPOSED REVISIONS TO RULE 16-902

Rule 16-902. LOCAL PRO BONO COMMITTEES AND PLANS

(a) Local Pro Bono Committees

(1) Creation

There is a Local Pro Bono Committee for each county.

(2) Members

(A) The Local Pro Bono Committee consists of no more than 11 members, as follows:

(i) the District Public Defender for the county or an assistant public defender selected by the District Public Defender;

(ii) at least three but no more than five lawyers, appointed by the president of the county bar association, who practice in the county and at least one of whom is an officer of the county bar association;

(iii) at least two {but no more than three} representatives nominated by legal services organizations and pro bono referral organizations that provide services in the county and selected by the County Administrative Judge and the District Administrative Judge; and

(iv) at least one but no more than two persons from the general public, appointed jointly by the County Administrative Judge and the District Administrative Judge.

(v) at least one but no more than two Circuit Court or District Court Judges, with the selection of the Circuit Court Judge made by the County Administrative Judge and the selection of the District Court Judge made by the County Administrative Judge with the concurrence of the Chief Judge of the District Court.

(3) Term

Each Committee shall establish a procedure for new membership, including articulating length of terms, to ensure member rotation and involvement.

(4) Chair

The County Administrative Judge shall appoint a member of the Committee to serve as temporary chair. The temporary chair shall convene a meeting at which the Committee shall elect a member to serve as chair. Each Committee shall establish a procedure by which its Chair will be replaced.

(5) Full Membership

On at least an annual basis, the County Administrative Judge shall assess the composition of the Committee and take steps to ensure full membership of the Committee

(6) Consultants

The Committee may designate a reasonable number of consultants from among court personnel or representatives of other organizations or agencies concerned with the provision of legal services to persons of limited means. Each consultant should be encouraged to attend meetings and participate as a member, providing input and assisting in the development and implementation of the plan, where appropriate, without being voting members of the Committee.

(b) Duties of the Committee

The Local Pro Bono Committee shall:

(1) assess the needs in the county for pro bono legal service, including the needs of non-English speaking, minority, and isolated populations;

(2) determine the nature and extent of existing and proposed free or low-cost legal services, both staff and volunteer, for persons of limited means in the county;

(3) establish goals and priorities for pro bono legal service in the county;

(4) prepare a Local Pro Bono Action Plan as provided in section (c) of this Rule;

(5) in accordance with the policies and directives established by the Standing Committee or the Court of Appeals, implement or monitor the implementation of the Plan; and

(6) submit an annual report about the Plan to the Standing Committee by May 1.

(c) Local Pro Bono Action Plans

(1) Generally

The Local Pro Bono Committee shall develop, in coordination with existing legal services organizations and pro bono referral organizations that provide services in the county, a detailed Local Pro Bono Action Plan to promote pro bono legal service to meet the needs of persons of limited means in the county. The Plan shall be submitted to the Standing Committee within one year after creation of the Local Committee. The Local Pro Bono Committees of two or more adjoining counties may collaborate and form a Regional Pro Bono Committee with approval of the Administrative Judges of the counties

that wish to collaborate. With the approval of the Standing Committee, a single joint Pro Bono Action Plan may be developed for two or more adjoining counties, by collaboration of the Local Pro Bono Committees.

(2) Contents

The Local Pro Bono Action Plan shall address the following matters:

(A) screening applicants for pro bono representation and referring them to appropriate referral sources or panels of participating attorneys;

(B) establishing or expanding attorney referral panels;

(C) continuing and supporting current services provided by existing pro bono and legal services organizations;

(D) a procedure for matching cases with individual attorney expertise, including specialized panels;

(E) support for participating attorneys, including

(i) providing litigation resources and out-of-pocket expenses for pro bono cases;

(ii) providing or supplementing legal malpractice insurance for participating attorneys;

(iii) providing legal education and training for participating attorneys in specialized areas of the law relevant to pro bono legal service, including consultation services with attorneys who have expertise in areas of law in which participating attorneys seek to provide pro bono service; and

(iv) recommending court scheduling and docketing preferences for pro bono cases;

(F) methods of informing lawyers about the ways in which they may provide pro bono legal service;

Committee note: Ways in which lawyers may provide pro bono legal service include assisting in the screening and intake process; interviewing prospective clients and providing basic consultation; participating in pro se clinics or other programs in which lawyers provide advice and counsel, assist persons in drafting letters or documents, or assist persons in planning transactions or resolving disputes without the need for litigation; representing clients through case referral; acting as co-counsel with legal service providers or other participating attorneys; providing consultation to legal service providers for case reviews and evaluations; training or consulting with other participating attorneys or staff attorneys affiliated with a legal service provider; engaging in legal research and writing; and, if qualified through training and experience, serving as a mediator, arbitrator, or neutral evaluator.

(G) coordinating implementation of the Plan with the courts, county bar associations, and other agencies and organizations;

(H) the number of hours of pro bono legal services needed annually to meet the needs of persons of limited means in the county; and

(I) programs to recognize lawyers who provide pro bono legal services.

Source: This Rule is new.

*KEY FINDINGS FROM
2005 MARYLAND PRO BONO REPORTING RESULTS*

Maryland Rule 16-903 (effective July 1, 2002) requires all Maryland attorneys authorized to practice law in the state to annually report on their pro bono activities. The definition of pro bono service was redefined by the Court of Appeals in Rule 6.1 with an “aspirational” goal of 50 hours of service for full-time practitioners with a “substantial portion” of those hours dedicated to legal services to people of limited means.

The Administrative Office of the Courts contracted with an independent company (ANASYS) to administer the process and compile the reporting results. There are now three years of reporting results to review and analyze. Some of the key findings from the *Current Status of Pro Bono Service Among Maryland Lawyers, Year 2005* report are summarized below.

Compliance Rate

- 31,991 Maryland lawyers **filed their pro bono service report** by the final cutoff date and were included in the report (representing over a **99% compliance rate**). Approximately 63% filed their reports online.

Amount of Pro Bono Service

- Among all licensed lawyers, **48% reported engaging in some type of pro bono activity. Among full-time lawyers practicing in Maryland, that number increased to 62.3%.**
- **Lawyers provided a total of 1,098,609 hours** of representational pro bono legal service in 2005 (amounting to 26,641 hours more than in 2004). They gave an additional 407,984 hours to improve the law, legal system or legal profession **totaling over 1.5 million hours of pro bono service.**
- Among all lawyers, 19.2% reported 50 hours or more of pro bono service while among **full-time lawyers, 23.3% reported donating more than 50 hours.**

Type of Pro Bono Service

- Tracking Rule 6.1, the breakdown of services provided by lawyers practicing in Maryland was as follows:
 - **54.6% rendered their services to people of limited means;**
 - 15.8% assisted organizations serving people of limited means;
 - 5.3% worked with entities on civil rights matters; and
 - 24.3% gave organizational help to non-profits.

If you combine those who provided service to individuals of limited means with those assisting organizations serving the low-income community, **over 70% of the pro bono services provided directly impact the poverty population.**

- Of those hours donated to assist people of limited means, 24.3% of those to individual clients and 15.8% of those to organizations serving the poor (or 40.1% combined) were referred *through* a pro bono or legal services organization.

Geographic Distribution

- The **Eastern Shore and Western Maryland** continued to **have higher proportions** of lawyers rendering pro bono services overall than lawyers in other regions. This year, lawyers in Washington County reported the highest percentage of lawyers rendering any pro bono service (70.2 %) with Allegany coming in a close second (69.5%) followed by Wicomico County (69.4%).
- **Somerset County** reported the **highest percentage of full-time lawyers with 50 hours** or more of pro bono service (72.7%) followed by the Dorchester County (50.0%) Calvert County and Caroline County. Counties with fairly consistent patterns of lower participation rates include Anne Arundel, Baltimore, Howard, Montgomery and Carroll counties and Baltimore City.

Practice Areas

- The **largest number of pro bono hours** was donated in the **family/domestic** practice area even though family/domestic law ranked seventh as a primary practice area. About 70% of the family law bar provided pro bono service while most family law pro bono cases were handled by lawyers who identified their primary practice areas as family, litigation or general.
- Lawyers generally provide 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 include:
 - Family Law – 69.6%
 - Elder Law – 67.8%
 - Trusts/Estates/Wills – 66.3%
 - Personal Injury – 63.2%
 - Bankruptcy/Commercial – 62.3%
 - General Practice – 61.5%
 - Litigation – 61.5%

Size and Type of Firm/Office

- **A larger percentage of solo and small firm practitioners engage in pro bono work. Close to 80% of solo** practitioners reported some pro bono service hours while almost 73% of small firm members (2-5 in size) donated their time. About 68% 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.
- Government lawyers overall provided less pro bono hours than those in other offices. Over 17% of the full-time Maryland bar listed “government agency”

as their place of business, translating into 3885 lawyers. Approximately 23.2% reported some pro bono service.

Financial Contributions

- The **total financial contribution** to organizations that provide legal services to people of limited means was **\$2,759,360**.
- Smaller proportions of lawyers in Southern Maryland and the Eastern Shore contribute to legal services organizations than those in other jurisdictions. With the exception of litigators, top contributors are those who tend to provide fewer pro bono hours such as those whose practice areas are: administrative, banking, labor, and environmental law.

Summarized by the Standing Committee on Pro Bono Legal Service and the Pro Bono Resource Center of Maryland.

The full report can be found at: www.courts.state.md.us.

Special thanks to the Department of Family Administration, Administrative Office of the Courts and ANASYS for compiling and presenting this data.

PROPOSED REVISIONS TO LAWYER PRO BONO LEGAL SERVICE REPORT

The Court of Appeals should adopt the following revisions to the Lawyer Pro Bono Legal Service Report form:

a. Delete unnecessary lines for demographic information, including full business address (by requesting only city or county and zip code), year admitted to the Maryland bar, and firm or organization name;

b. Add the category “Other” to primary practice area(s) on the online form;

c. Change primary practice jurisdictions to a list of “up to three” primary practice jurisdiction(s);

d. Include a “drop down” list of all Maryland counties and Baltimore City, Washington, D.C. and “Out of State” on the online form where requesting primary practice jurisdictions;

e. Add a new question to determine the size and type of office in which the lawyer works, reading: “Check the office which best describes where you are employed:

i. Solo practitioner

ii. Small firm (2-5 lawyers)

iii. Medium firm (6-20 lawyers)

iv. Large firm (21-49 lawyers)

v. Extra Large Firm (50 and up)

vi. Corporate counsel

vii. Government

viii. Public interest, policy or advocacy organization

ix. Legal services program.

f. Change the language of Question #1 to read:

“I rendered the following number of hours of pro bono legal service without fee or expectation of fee, or at a substantially reduced fee:

- a) To people of limited means, I donated _____ hours in total, and out of these total hours, _____ hours were spent in matters that were referred to me from a pro bono or legal services organization;
- b) To charitable, religious, civic, community, governmental, or educational organizations in matters designed primarily to address the needs of people of limited means, I donated _____ hours in total, and out of these hours, _____ hours were spent on matters referred to me by a pro bono or legal services organization;
- c) To individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights, I donated _____ hours in total, and out of these hours, _____ hours were spent on matters referred to me by a pro bono or legal services organization;
- d) To 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, I donated _____ hours in total, and out of these hours, _____ hours were spent on matters referred to me by a pro bono or legal services organization."

g. Reference or incorporate the Frequently Asked Questions section of the judiciary's website prepared and updated by the Standing Committee on the form through footnotes referencing the appropriate FAQ or with a link to the appropriate FAQ through the online version;

h. Allow lawyers to add another piece of paper or add to another section of the online version of the form if additional space is needed to describe their answer in Question #3 regarding hours devoted to activities to improve the law, the legal system or the legal profession; and

i. Include an easy way for lawyers to register to volunteer or find out more information about pro bono opportunities while preserving the anonymity of the lawyers for reporting purposes through a separate form or online link separate from the reporting form.

**COURT OF APPEALS OF MARYLAND
LAWYER PRO BONO LEGAL SERVICE REPORT**

This is a report of Pro Bono Legal Service under Rule 6.1 of the Maryland Lawyers' Rules of Professional Conduct. **YOUR COMPLETED LAWYER PRO BONO LEGAL SERVICE REPORT MUST BE SUBMITTED TO THE ADMINISTRATIVE OFFICE OF THE COURTS BY FEBRUARY 15, 2007. FAILURE TO DO SO MAY RESULT IN YOUR DECERTIFICATION TO PRACTICE LAW IN MARYLAND, as provided in Rule 16-903.** Your report is confidential under the Maryland Public Information Act, although the non-identifying data in it is not confidential.

THE REPORTING PERIOD IS JANUARY 1, 2006 THROUGH DECEMBER 31, 2006.

Please print or type your responses.

NAME:

BUSINESS ADDRESS: City or County _____,
State _____, Zip _____

TELEPHONE NUMBER:

WHERE I PRACTICE: Please select one (1) of the following:

Private Firm _____, Corporate Counsel _____, Government Agency
_____, Legal Services Org. _____, Public Interest Org. _____, Not Practicing

If you selected 'Private Firm' above, please select one (1) of the following:

Solo (1 lawyer) _____ Small Firm (2-5 lawyers) _____ Medium Firm (6-20
lawyers) _____
Large Firm (21-49 lawyers) _____ Extra Large (50 lawyers and up) _____

PRIMARY PRACTICE AREA[S]:

PRIMARY PRACTICE JURISDICTION[S]:

_____ (List your top 3 jurisdictions to
include Maryland County names, Washington, DC or Out of State)

DURING THE REPORTING PERIOD:

1. I rendered the following number of hours of pro bono legal service without fee or expectation of fee, or at a substantially reduced fee: ¹

a. To people of limited means², I donated _____ hours in total, and out of these total hours, _____ hours were spent in matters that were referred to me from a pro bono or legal services agency.

b. To charitable, religious, civic, community, governmental, or educational organizations in matters designed primarily to address the needs of people of limited means³, I donated _____ hours in total, and out of these total hours, _____ hours were spent in matters that were referred to me from a pro bono or legal services agency.

c. To individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights, I donated ____ hours in total, and out of these total hours, ____ hours were spent in matters that were referred to me from a pro bono or legal services agency.

d. To 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, I donated ____ hours in total, and out of these total hours, ____ hours were spent in matters that were referred to me from a pro bono or legal services agency.

2. The pro bono legal service hours reported above were rendered in the following areas of law:

3. I devoted ____ hours to participating in activities for improving the law, the legal system, or the legal profession.⁴

Please specify: _____

4. I contributed a total of \$ _____ to one or more organizations that provide legal services to people of limited means.⁵

DURING ALL OR PART OF THE REPORTING PERIOD:

5. ____ I was prohibited by statute, ordinance, rule, or regulation from rendering pro bono legal service as described in Rule 6.1(b)(1) of the Maryland Lawyers' Rules of Professional Conduct.

6. ____ I was retired or not actively engaged in the practice of law.⁶

7. ____ I was practicing law part-time.⁷

SIGNATURE OF LAWYER

DATE

To find out more information concerning pro bono opportunities, please go to www.probonomd.org, or call the Pro Bono Resource Center of Maryland at 410-837-9379 or 800-396-1274.

If you have a **change in your address**, you must provide that information in writing directly to the Client Protection Fund. You can contact them at: (410) 260-3635 (phone) or fax at: 410-260-3636.

RETURN THIS REPORT TO:

**ADMINISTRATIVE OFFICE OF THE COURTS
P.O. BOX 319
SIMPSONVILLE, MD 21150-0319**

OPINION NO. 124

October 22, 1996

SOLICITATION OF ATTORNEYS FOR PRO BONO WORK

When you recently inquired whether it is unethical for Judges of [a] Circuit Court to solicit attorneys to provide pro bono assistance to indigent parties in child custody cases, we responded with Opinion No. 123. After extensive discussion, the Judicial Ethics Committee has decided to withdraw Opinion No. 123 and respond in this fashion to your inquiry. Hence, we will again respond seriatim to your inquiries:

1. Is it unethical for the judges of the Circuit Court as a group to solicit individual attorneys to agree to handle one pro bono case per year? In this regard, may a Judge personally contact an attorney and ask him or her to volunteer for such pro bono activity? We do not believe that it is. While Canon 4C(2) of the Maryland Code of Judicial Conduct provides, in pertinent part, that

[a] judge should not solicit funds for any [civic or charitable] organization, or use or permit the use of the prestige of the judge's office for that purpose. . . , the solicitation of volunteer pro bono assistance to indigent parties in child custody cases does not constitute "solicitation of] funds for [a civic or charitable] organization or use . . . the prestige of the judge's office for that purpose...." Such services are of value only to "indigent parties in child custody cases," and the uninterrupted functioning of the circuit courts Consequently, the solicitation of such pro bono services is far different from "the dangers inherent in a judge's participation in civic and charitable fund raising." For example, we see no danger of an attorney volunteering for such pro bono work being viewed as later entitled to a favor from the judges. Moreover, we believe it illogical for an attorney declining such pro bono work to fear retribution from the judges.

2. May a Judge of the Circuit Court solicit volunteers by writing personally to an attorney and asking for such assistance?

We believe our response to your first question is dispositive of your second question.

3. May the Judges of the Circuit Court place an ad in the local bar newspaper soliciting volunteers for this service without contacting individual attorneys?

We believe the Judges of the Circuit Court... may place ads in the local bar newspaper, soliciting volunteers for pro bono assistance in such cases.

4. May the Judges of the Circuit Court appear at group meetings of the Bar and solicit the group to volunteer for such service?

Canon 4A provides that:

[a] judge may speak ... on both legal and non-legal subjects. A judge may participate in other activities concerning the law, the legal system and the administration of justice.

Accordingly, we are of the opinion that judges may appear at group meetings of the Bar and "solicit the group to volunteer for such service."