

FREQUENTLY ASKED QUESTIONS (FAQs) ABOUT PRO BONO

1) Where can I find pro bono opportunities?

There are many places to look for interesting and rewarding pro bono work. The best place to start is www.CaliforniaProBono.org to find opportunities in your community and legal areas of interest.

2) What legal work qualifies as pro bono?

Generally, legal services that are provided without expectation of compensation to indigent individuals, or to not-for-profit organizations with a primary purpose of providing services to the poor or on behalf of the poor qualify as pro bono work. Legal work on matters that have been screened and referred by a [qualified legal services provider](#) will qualify as pro bono under both the State Bar's [Pro Bono Resolution](#) and proposed [Rule 6.1 \(Voluntary Pro Bono Publico Service\) of the California Rules of Professional Conduct](#).

Examples of what does NOT qualify as pro bono:

- Providing free legal assistance to friends or relatives who are not indigent is not pro bono.
- Providing free legal assistance to charitable, community, governmental, or educational organizations in matters that are not designed to primarily address the needs of persons of limited means and where the organization's economic resources would not be significantly depleted were it to pay for standard legal fees is not pro bono.
- If a paying client becomes unable to pay for legal services, that "bad debt" does not count as pro bono as the attorney expected compensation at the outset of the representation.
- Services for pay, even if identified as affordable, and services provided on a sliding fee scale to persons of low and moderate income do not qualify as pro bono.

3) How much time must I devote to pro bono activities?

While both the State Bar's Pro Bono Resolution and Rule 6.1 (see above) urge all lawyers to contribute at least 50 hours of pro bono legal services annually, even a few hours may have extraordinary positive impact on underserved individuals and groups. The 50 hour goal is strongly encouraged and not a requirement.

4) What about malpractice insurance?

Most qualified legal services providers provide coverage for pro bono work. You should always check with the provider for more specific information about coverage.

5) How do I know if a legal services provider is "qualified"?

A qualified legal services provider is one that receives funding from the State Bar's Legal Services Trust Fund Program ([Business & Professions Code §§ 6213 – 6214.5](#)). For a current list of grantees, see the [Legal Services Trust Fund Program Grant Recipients](#) on the State Bar's website.

6) Does pro bono always mean taking on an entire case?

No. There is a broad range of pro bono activities that do not require direct, full representation or court appearances, such as brief service by phone or in person, document preparation and review, legal research and writing; mentoring newer attorneys. Many programs have clinics that offer legal assistance where your only commitment is for the time spent at the clinic. California courts allow unbundled (or limited representation) services, so that you can draft pleadings only, or undertake a portion of the representation without committing to full representation.

7) Can I be trained in an area outside my usual practice?

Yes. Many qualified providers offer free MCLE trainings in a variety of legal areas in exchange for contributing a certain number of pro bono hours or cases. You can learn about a new area of law and also, in many instances, be connected with a mentor who is an expert in the field, and who can answer questions during the duration of your pro bono work. Pro bono is a great way to gain both knowledge and experience. Contact a [qualified legal services provider](#) in your community to explore the opportunities. Also, the Practising Law Institute (PLI), a nonprofit continuing legal education organization, offers many live Webcasts and On-Demand free trainings to help fulfill pro bono responsibilities. See www.pli.edu.

8) Do I have to report my pro bono hours?

Most qualified legal services providers track the number of pro bono hours by their volunteers and law firms track the number of pro bono hours contributed by their firm members. However, the State Bar of California does not ask attorneys to report their pro bono hours.

9) What kinds of pro bono work can a transactional lawyer do?

There are a number of legal services providers that have projects specifically designed to use your skills as a transactional lawyer. See <http://www.CaliforniaProBono.org>. In addition, there are many types of discrete clinics or limited scope pro bono litigation matters that don't require prior litigation experience, including some that may be of interest to you. Providers generally offer training and mentoring, so that you will be well supported.

10) Do government attorneys lose their MCLE exemption by doing pro bono work?

No, [MCLE Rule 2.54](#) allows attorneys in California employed by the State of California or federal government to keep the MCLE exemption if they are doing pro bono work for a [qualified legal services provider](#).

11) What pro bono work can an attorney who is retired or taking a break from active practice do?

Retired attorneys or attorneys taking a break from the active practice of law can participate in a wide range of pro bono activities including mentoring, participation in a legal clinic or full representation. The State Bar waives the active membership fee for those who practice solely for the purpose of providing pro bono legal assistance through qualified legal services providers and State Bar certified lawyer referral services. For more information and an application see information about the [Pro Bono Practice Program](#) on the State Bar's website or contact Michael Dayao at (415) 538-2328 or Michael.Dayao@calbar.ca.gov

12) I don't feel that I am an expert, should I do pro bono work?

With more than 7 million Californians living below 125% of poverty and more than 8,000 vulnerable Californians who qualify for free legal aid for every one legal aid staff attorney, your help is needed now more than ever. You have legal training and a license to practice law, and studies have repeatedly shown that attorneys get better results than litigants who are forced to represent themselves. Most providers provide training and support to their pro bono attorneys. You can make a real difference in people's lives.

13) Can I get any recognition or credit from the State Bar for doing pro bono work?

Yes. The State Bar recognizes outstanding pro bono contributions annually with the President's Pro Bono Service Awards to lawyers from a wide scope of practice settings. See more information about the [President's Pro Bono Service Awards](#) on the State Bar's website.

The State Bar also issues the Wiley W. Manuel Certificate for Pro Bono Legal Services to lawyers, law students, paralegals, legal secretaries and other non-attorneys in California who volunteer their time and expertise on behalf of low-income clients. Pro Bono Managers can submit the Wiley Manuel Certificate application on behalf of their volunteers who complete fifty hours of pro bono service annually. See more information about the [Wiley W. Manuel Certificate for Pro Bono Legal Services](#) on the State Bar's website.

14) If I am unable to do pro bono work, can I make a financial contribution?

Absolutely! All attorneys are encouraged to contribute pro bono time and/or financial support. Please consider making a contribution directly to a [qualified legal services provider](#), or contribute to the [Justice Gap Fund](#) annually through the State Bar member fee statement or on the State Bar's website.