

AGENDA ITEM

NOVEMBER 54-161

President's Pro Bono Service Awards:
Proposed Reconfiguration

Date: October 19, 2009

To: Members of the Board of Governors
Members of the Board Committee on Legal Services, Pro Bono and Equal Access

From: Mary Lavery Flynn, Acting Director, Office of Legal Services
Sharon Ngim, Program Developer, Office of Legal Services

Re: President's Pro Bono Service Awards: Proposed Reconfiguration

EXECUTIVE SUMMARY

The Standing Committee on the Delivery of Legal Services recommends that the President's Pro Bono Service Awards be reconfigured as follows:

- Add law schools, faculty and students as well as associations of California lawyers as possible recipients;
- Clarify factors to consider as part of the selection process;
- Change the categories of the awards so as to allow maximum flexibility to honor the most impressive pro bono achievements.

BACKGROUND:

The Board of Governors created the President's Pro Bono Service Awards in 1983 to recognize outstanding pro bono contributions by California attorneys. Originally one lawyer was recognized from each of the nine State Bar districts. In 1992, a law firm category was added recognizing one firm each from Northern and Southern California for a total of 11 awards. In 1995, a retired attorney category was added to recognize one attorney each from Northern and Southern California, bringing the total to 13. In 2001, the awards categories were totally reconfigured to recognize attorneys in eight different practice settings (corporate; government; retired or limited active practice; recently admitted; large law firm; medium law firm; small law firm; solo practitioner) plus a discretionary distinguished pro bono service category. The purpose of the reconfiguration was to stimulate a greater cross-section of California attorneys to engage in pro bono work and to reduce the total number of awards.

In the eight years since the awards categories were reconfigured as well as the years preceding, the total number of nominations received annually has remained relatively constant ranging on average from 20 to 25, despite broad publicity to legal services providers; local, specialty, minority and women's bar associations; lawyer referral services; law firm pro bono counsel; corporate counsel; Board of Governors; State Bar sections and committees; law schools; former award recipients; and others. While the number of nominations in the large law firm and solo practitioner categories are consistently higher than the other categories, in the past three years there has been only one or no nominations in the remaining categories: government, medium law firm, small law firm, newly admitted and retired/limited active practice categories, despite very concerted and targeted outreach efforts by staff and SCDLS members.

In addition, the State Bar has received nominations that do not fit neatly into the existing categories, yet are worthy of consideration for recognition. Examples include bar associations, collaborative pro bono efforts and law schools. With respect to law schools, there has been a significant growth in law school pro bono programs in California and across the country. Law schools play a critical role in preparing law students to become active pro bono attorneys. At least seven states (Alabama, Louisiana, New York, North Carolina, Texas, Utah and Virginia) have a law student, law student group and/or law school category in their statewide pro bono awards. Adding a law school category that would include law students, law student group, or faculty member would be consistent with the spirit of the President's Pro Bono Service Awards and the State Bar's Pro Bono Resolution which urges all law schools to promote and encourage the participation of law students in pro bono activities.

SCDLS recognizes there are many factors that impact the overall level of pro bono participation in any given year and as a result the number and types of nominations fluctuate. SCDLS also recognizes the importance of law school pro bono efforts and the ability of law schools to help build a pro bono culture that law students will carry into their legal career. SCDLS has reviewed carefully the awards criteria, factors to be considered and categories, and has engaged in very thoughtful discussions about the most effective ways to revise the awards so that they are more contemporary and allow maximum flexibility to reflect the current pro bono landscape while at the same time preserving the purpose of the awards which is to recognize outstanding pro bono contributions by California attorneys. In light of the State Bar's focus on pro bono in 2010, it is appropriate and timely to refresh the President's Pro Bono Service Awards.

RECOMMENDED RECONFIGURATION OF AWARDS:

The Standing Committee on the Delivery of Legal Services presents the following recommendations to the President's Pro Bono Service Awards to be effective immediately and implemented for the 2010 awards cycle:

Criteria

The following would be added to the [current criteria for selection](#):

- Award recipients shall also be:
 - Law firms (California office only)
 - Associations of California lawyers
 - California law schools accredited by the American Bar Association or the State Bar of California
 - Law students currently enrolled in a California law school accredited by the American Bar Association or the State Bar of California who did not receive any form of compensation, clinical or other academic credit for doing pro bono work and the work was not public service (e.g. building houses for Habitat for Humanity, serving meals in a soup kitchen)
- Members of the Standing Committee on the Delivery of Legal Services (SCDLS) are ineligible to receive an award during their service on the committee, and for one year following their departure from the committee.

Expansion of Factors to be Considered

The following three factors would be added to the [current list of factors to be considered](#) as part of the selection process:

- Obstacles or challenges to doing pro bono work, including geography
- Pro bono activities of law firms, law schools, government and corporate legal departments will be considered in relation to the size of the entity
- Under “the nature of services contributed,” add:
 - innovative or unique approaches.

Award Categories and Total Number of Awards

The [current nine categories](#) (large firm, medium firm, small firm, solo, newly admitted, limited active practice, corporate, government, plus a discretionary pro bono distinguished service or “other”) would be reduced to five broader categories as described below. No more than a total of nine (9) awards may be given in all of the five categories combined. Distribution of the awards between the categories would be discretionary and may vary from year to year.

Category	Eligibility
Individual	Including but not limited to: <ul style="list-style-type: none"> ▪ <u>Solo practitioner</u> (individual attorney in own practice) ▪ <u>Recently admitted</u> (in first four years of practice) ▪ <u>Limited Active Practice Attorney</u> (enrolled in State Bar Pro Bono Practice Program, or took time off from practicing law for compensation and performed substantial pro bono work) ▪ <u>Law firm attorney</u> (from a firm with two or more California attorneys) ▪ <u>Government attorney</u> (employed by a city, county, state or federal government agency) ▪ <u>Corporate attorney</u> (employed by a corporation) ▪ <u>Law student</u> (did not receive any form of compensation, clinical or other academic credit for pro bono work and the work was not public service) ▪ <u>Law school faculty member</u> (pro bono service contributed outside scope of employment)
Law Firm (small, medium and large)	<ul style="list-style-type: none"> ▪ Firm as a whole ▪ Single branch office ▪ Team of lawyers
Corporate or Government Legal Department	<ul style="list-style-type: none"> ▪ Entire legal department of a corporation or government (city, county, state, federal) agency ▪ Team of lawyers form a corporation or government agency
Law Schools	<ul style="list-style-type: none"> ▪ Law school as a whole promotes and encourages participation of law students in pro bono activities ▪ Project of the law school ▪ Team of law students (students did not receive any form of compensation, clinical or other academic credit for pro bono work and the work was not public service) ▪ Partnership of law students and other segments of the legal community (students did not receive any form of compensation, clinical or other academic credit for pro bono work and the work was not public service)
Distinguished Pro Bono Service	Including but not limited to: <ul style="list-style-type: none"> ▪ Local, regional or statewide collaborative pro bono efforts ▪ Innovative pro bono project, program or initiative by a local, specialty, minority or women’s bar association or other legal-related institution ▪ Pro bono service that went “above and beyond the call of duty” and is deserving of special recognition

PROPOSED IMPLEMENTATION:

The proposed revisions would be effective immediately upon the Board's approval and implemented with the 2010 awards cycle. The reconfiguration of the awards will create new opportunities for staff and SCDLS members to expand efforts to promote pro bono work in California.

FISCAL AND PERSONNEL IMPACT:

None.

BOARD BOOK IMPACT:

None.

RULE AMENDMENTS:

None.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Board Committee on Legal Services, Pro Bono and Equal Access concur, the following resolution would be in order:

RESOLVED, that the Board Committee on Legal Services, Pro Bono and Equal Access recommends that the Board of Governors approve the revisions to the President's Pro Bono Service Awards as set forth above, and it is

FURTHER RESOLVED, that staff is authorized to make appropriate changes to the awards nomination materials in preparation for printing and distribution.

PROPOSED BOARD RESOLUTION:

Should the Board of Governors concur with the Board Committee on Legal Services, Pro Bono and Equal Access, the following resolution would be in order:

RESOLVED, upon recommendation of the Board Committee on Legal Services, Pro Bono and Equal Access, the Board of Governors approves the revisions to the President's Pro Bono Service Awards as set forth above, and it is

FURTHER RESOLVED, that staff is authorized to make appropriate changes to the awards nomination materials in preparation for printing and distribution.