

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

STATEMENT OF PRO BONO PRINCIPLES

The Association of the Bar of the City of New York and the signatories hereto recognize the fundamental ethical and professional obligation of all lawyers to render pro bono legal service and strongly believe that pro bono legal work should be a significant part of every lawyer's practice. Indeed, fulfillment of this obligation is central to core principles of our legal system: equal opportunity and fairness under the law. The Association and the signatories hereto further appreciate, as several recent studies have found, that the supply of pro bono legal services in the New York metropolitan region does not come close to meeting the demand for such services, particularly among the poor and most needy.

Therefore, we are committed to the goal of increasing the amount of meaningful pro bono legal services in and around New York City. An increase in free legal services to the poor and disadvantaged, and to the organizations dedicated to addressing their needs, is particularly important. We also appreciate the parallel importance of ensuring sufficient funding of such organizations. We firmly believe that all lawyers can find an appropriate balance between work for fee-paying clients and their ethical and professional responsibility to provide meaningful pro bono legal services. While we realize that not every lawyer has the resources and inclination to commit the same level of resources to pro bono work, this is not an excuse to avoid one's ethical and professional obligation in its entirety.

Accordingly, we pledge to adopt and abide by the following principles:

1. **Pro Bono Policy**

We will draft, adopt and abide by a written pro bono policy.

This written policy will set forth our official policies and procedures regarding the provision of pro bono legal services by our lawyers.

We will define pro bono legal work as legal services provided without fee or expectation of fee to:

- persons of limited means,
- charitable, religious, civic, cultural, community, governmental and educational organizations committed to serving the needs of persons of limited means and/or in matters which are designed primarily to address the needs of persons of limited means,
- individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights,
- individuals, groups or organizations who have been harmed by a natural disaster or public emergency or who are providing assistance to persons harmed by a natural disaster or public emergency, and
- charitable, religious, civic, cultural, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of legal fees would significantly deplete the organization's economic resources.

We will also recognize and encourage public service activities including those that do not entail the performance of legal work (e.g., community volunteerism, most bar association activities and most service on the boards of non-profits), but these efforts are separate from our pro bono legal efforts.

This written policy will be readily accessible and disseminated to all legal and legal support staff.

The policy will apply to all lawyers in our organization regardless of position or practice area.

The written policy will include the other principles set forth herein.

2. **Consideration of Pro Bono Work**

Pro bono work will be conducted on the same professional basis as work performed for fee-paying clients in all material respects.

The time spent on pro bono matters generally will be treated the same as time spent on legal work for fee-paying clients with respect to all matters, including but not limited to compensation, billable hour requirements, targets or guidelines (if any), and bonus eligibility.

We will pay for reasonable expenses and disbursements in connection with pro bono matters in which the client is unable to afford them.

We will treat pro bono matters the same as all work performed for fee-paying clients with respect to the fulfillment of our ethical obligations, including but not limited to clearly defining the scope of our representation, entering into written engagement agreements with pro bono clients (when necessary), and seeing matters through to their conclusion unless the client agrees to terminate the representation or we deem it necessary to withdraw as counsel, consistent with our professional responsibility obligations. In those instances, we will make reasonable efforts to find appropriate replacement counsel and obtain any necessary court approval.

Pro bono work will be considered the same as legal work performed for fee-paying clients in all other material respects, including but not limited to ensuring adequate and suitable supervision and staffing of matters, performance reviews and personnel decisions.

3. **Encouragement of Pro Bono Work**

We will encourage our lawyers, staff and others to perform public interest and pro bono legal services.

We will recognize that all of our lawyers should perform pro bono work.

We will perform an aggregate amount of pro bono legal work that equals or exceeds an average of 50 hours per lawyer each year. A substantial majority of this work should be devoted to: 1) persons of limited means, and/or 2) charitable, religious, civic, cultural, community, governmental and educational organizations committed to serving the needs of persons of limited means and/or in matters which are designed primarily to address the needs of persons of limited means.

Individual lawyers' commitment to pro bono legal work will be considered favorably in their performance reviews and in personnel decisions.

In recognition of the fact that people lead by example, we will strongly encourage our senior lawyers, in particular, to become involved in pro bono matters.

We will strongly encourage all newly hired lawyers, in particular, to participate in at least one pro bono matter during their first year of employment as part of our overall effort to encourage an increase in the amount of pro bono legal work we perform.

We will attempt to identify and attract a variety of pro bono legal work in order to encourage all of our lawyers to become involved in the provision of pro bono legal services.

We will take steps to ensure that those lawyers undertaking pro bono work have access to training materials, mentoring, manuals, and other relevant support for their efforts.

We will provide awards or other recognition to lawyers who perform outstanding pro bono work.

We will establish a pro bono committee or designate a pro bono coordinator to encourage and coordinate our pro bono efforts.

We will report on pro bono matters in any newsletters, written and electronic publications, or other internal and external communications.

We will encourage summer associates, interns, paralegals and other staff to become involved in pro bono matters and will utilize their services on pro bono matters to the extent it is feasible to do so.

We will encourage other firms and legal departments to engage in pro bono work and will coordinate efforts with them whenever it would be feasible and useful.

4. **Support of Legal Services Organizations**

We will support legal services organizations.

We will contribute financially as a firm or legal department to organizations providing legal services that benefit poor and disadvantaged individuals ("Legal Services Organizations") and will encourage our individual lawyers to do so.

We will also provide other support to Legal Services Organizations such as hosting training seminars, seconding lawyers to such organizations, encouraging the creation of externships with Legal Services Organizations or contributing to the funding of fellowships at such organizations.

In pro bono legal matters in which we recover or are awarded fees, we will donate the fees recovered (in excess of any disbursements incurred in connection with the matter) to a Legal Services Organization or other public service organization or will otherwise use the recovered fees to support pro bono legal activities.

We will establish relationships with Legal Services Organizations in which we accept cases referred by them and/or will participate in pro bono "clearinghouses" which refer cases to interested firms and legal departments.

We will conduct or participate in at least one program or meeting each year in which representatives of pro bono clearinghouses and/or other Legal Services Organizations are invited to address our lawyers and discuss the pro bono opportunities they offer.