BEFORE YOU GET STARTED . . .

Bar leaders should consider some basic issues before undertaking a major pro bono initiative.

Self-Assessment

Before launching a major pro bono initiative, bar leaders should assess the current status of the pro bono effort in their legal community. This "pro bono checkup" evaluates various factors affecting the level of pro bono participation in the bar, including the extent and scope of existing organized pro bono activity, level of financial support for existing programs, and mechanisms already in place within the bar association that promote pro bono activity (e.g. resolutions promoting pro bono, pro bono committees, and awards ceremonies that recognize outstanding pro bono efforts by attorneys).

Another aspect of self-assessment involves an analysis of both the unmet legal needs of persons of limited means, and the legal resources that are available to meet those needs. Bar leaders should work with local legal services providers, the judiciary, social services providers, and client groups to determine the greatest areas of unmet legal needs. The very process of initiating a dialogue and discussing the extent of the need and how it should be addressed is likely to generate support for pro bono programs. This assessment and dialogue will lay the groundwork for priority-setting and recruiting volunteer attorneys to render legal services where they are needed most. While pro bono services should be based on client need, they must be balanced against the expertise and willingness of the private bar to handle certain types of legal matters.

Finally, bar associations must identify and address the obstacles to the development of an effective pro bono delivery system. Obstacles may include antagonistic attitudes toward organized pro bono activity, as well as logistical challenges, such as geographic distances between clients and attorneys. Rural areas present particular obstacles to the development of pro bono delivery systems. Loosely organized bar associations in rural areas often meet infrequently, limiting opportunities for bar leaders to recruit pro bono attorneys. In addition, geographic distances may hinder the ability and willingness of attorneys to render pro bono services to clients in rural areas.

Minimizing Opposition to Maximize Opportunity

An important step in building support for pro bono in the bar is minimizing opposition. Bar leaders must assess the extent to which groups and individuals oppose organized pro bono legal services. Some attorneys erroneously fear that organized pro bono activity is likely to lead to mandatory pro bono service; others believe that it is unnecessary to institutionalize pro bono because attorneys already are doing it in their own practices. Bar leaders should solicit input from attorneys and address their interests and concerns. Pro bono initiatives will be more successful if they have widespread attorney support.
Building Support for Pro Bono in the Bar

Once bar leaders have engaged in self-assessment and addressed opposition, they must build support for pro bono in the bar. Education is the first step. Bar leaders must inform bar members of the overwhelming need for legal services to persons of limited means. The results of national, statewide and local legal needs studies should be made available to the bar. Many attorneys are unaware of the inadequacies of the current delivery system in meeting the needs of persons of limited means. Judges can be very helpful. As courtrooms become increasingly flooded with unrepresented litigants, judges are highly motivated to call upon the private bar to assist in finding solutions to the problem of unequal access to legal representation.

Building a base of support for pro bono begins by identifying where support already exists. In many states and local communities, the bar foundation, federally-funded legal services organizations, and other not-for-profit legal services providers already are engaged in the delivery of legal services to persons of limited means. Each of these groups should be brought into the bar association's planning initiative as early as possible. A coordinated approach helps to avoid unnecessary duplication of efforts and competition for volunteers and funding.

Further, the bar association should include a cross-section of the legal community in its efforts to develop support for pro bono activities. In addition to the groups listed above, judges, bar leaders from major practice sections and minority and specialty bar associations, representatives from large and small law firms, solo practitioners, directors of legal services programs, representatives of social services organizations that serve persons of limited means, and representatives of client groups should be included in the planning effort.

Commitment of the Bar

Finally, the bar association must make a commitment to enhance pro bono activities, and it must be willing to make that commitment part of the overall structure of the bar. This commitment should be reflected in pro bono service by bar leadership, the structuring of bar committees, staffing decisions, and long-range planning.

The complete handbook and other materials are available at www.abaprobono.net