BE IT RESOLVED, That the American Bar Association

(1) Urges all attorneys to devote a reasonable amount of time, but in no event less than 50 hours per year, to pro bono and other public service activities that serve those in need or improve the law, the legal system, or the legal profession;

(2) Urges all law firms and corporate employers to promote and support the involvement of associates and partners in pro bono and other public service activities by counting all or a reasonable portion of their time spent on these activities, but in no event less than 50 hours, towards their billable hour requirements, or by otherwise giving actual work credit for these activities; and

(3) Urges all law schools to adopt a policy under which the law schools would request any law firm wishing to recruit on campus to provide a written statement of its policy if any concerning the involvement of its attorneys in public service and pro bono activities.
poor and disadvantaged has increased. There have been major cutbacks in Legal Services Corporation funding and in the types of cases it can handle. The organized bar has countered this cutback with increased emphasis on the involvement of the private bar in pro bono. As a result, pro bono programs exist now in many communities where none existed previously. The number of lawyers participating in such programs, however, is still too low.

The need for lawyers to serve those in need, however, goes beyond providing direct legal services. The poor, the elderly, the disabled, and other individuals in need are usually functionally without any knowledge about the law; perhaps more dangerous is the fact that the knowledge that they think they have is often wrong. Under such circumstances, these individuals cannot protect themselves and, indeed, are unlikely to even seek legal assistance because of their basic assumption that the law protect others, not them.

Lawyers also have an important role to play in their communities in directly combatting the problems of those in need. As members of the legal profession, lawyers should play leadership roles in their communities and be involved in addressing the broad problems facing those communities.

Finally, the need for lawyers to be involved in bar association activities that seek to improve the law, the legal system, and the legal profession, as recognized by Rule 6.1, is critical. Even though those served by such activities may not be "in need" as the term is normally understood, society as a whole benefits from improvements in our legal system that make it more efficient and responsive, and such work should be considered as satisfying a lawyer's public service responsibility.

III. A Coordinated Structural Approach to Supporting Public Service

In order to counter the impact that the "profit squeeze" of the 80s has had on lawyer volunteerism, a three-pronged approach must be taken by the Association.

A. A Floor of 50 Hours of Commitment

The statements that have been made in the past regarding lawyers' public service responsibility have been vague regarding the level of commitment sought from all lawyers. The YLD feels that a practical approach to this issue needs to focus on a specific number of hours that should serve as a minimum standard for lawyer involvement. This focus would make clear that a lawyer can fulfill his or her public service obligation without sacrificing 200 hours of time on a complex pro bono assignment. By setting a floor which is reasonable, more lawyers will be able to accept this responsibility as not competing with their livelihood, as for example small general practitioners. Such a floor will make law firm support more likely. Recognizing the practical limitations for many lawyers also is
important because it identifies the need for bar associations to
develop more public service programming which can accommodate the
lawyer who cannot devote a large number of hours to such work.

The specific figure of 50 hours derives from various sources such as
the Report of the ABA Commission on Professionalism as well as the
editorial in the December 1987 issue of the ABA Journal which
advocated an annual commitment of 50 hours. Objectively, this
number of hours is so small relative to the totality of one's
practice that it provides a reasonable minimum level for service.

B. Law Firm/Corporate Support

Since only 20% of all lawyers in private or corporate practice are
solo practitioners, most lawyers are not in a position to make
independent decisions to spend part of the working day on public
service activities, unless such activities are over and above their
normal work requirements. Given the pressures on lawyers to
increase production or billable hours, it is not practical, nor even
reasonable, to expect that a person who is billing 200 hours or more
a month, will have any time remaining for public service work. What
waking hours they do have left are usually devoted to their
families. Of course there are exceptions - those lawyers with such
a great public spirit that they spend hundred of hours in public
service work over and beyond their huge billable hours. The
organized bar's efforts, however, must be addressed to the average
lawyer who does not have that drive or stamina.

To get the involvement of every lawyer, therefore, law firms and
corporate employers should be willing to count all, or at least 50
hours, of the time spent in public service activities towards their
billable hour requirements, or by otherwise giving actual work credit
for these activities. As stated in the Report of the ABA Commission
on Professionalism, "without such credit, the incentive to avoid pro
bono service out of fear for one's career may be overwhelming."

It is important to note that the involvement by lawyers in public
service work is not without direct benefit to the law firm or
corporate employer:

- From a public relations standpoint, firms and corporations
  get favorable publicity from the organized involvement of
  their lawyers in public service work. Firms and
corporations have long understood the public relations
benefit to making charitable contributions and supporting
various public efforts; this is just an extension of that
philosophy.

- From an associate training perspective, law firms should
  actively support the involvement of their associates in pro
  bono work. Except in small firms, associates usually have
limited opportunities to learn practical trial skills by
handling cases. Pro bono cases provide an excellent
training ground.
From an employee morale point of view, law firms and corporate employers quickly find that a lawyer involved in public service work is more likely to be a satisfied employee. Most lawyers get a great deal of personal reward from public service work; it makes them feel good in a way that their normal work does not. It also provides a much needed break from routine.

Thus, an enlightened law firm will see many reasons to support and even encourage the public service activities of its attorneys. Enlightened or not, however, public service is a professional responsibility of all lawyers and employers have an obligation to actively support such activity.

C. The Law School Connection

One method of facilitating the adoption by law firm and corporate employers of policies supportive of the public service work of their attorneys is to encourage law schools to require employers to provide a written statement of such policies, if any, before recruiting on campus. By providing public exposure of an employer's policies, or lack thereof, as part of the recruiting process, employers will feel under greater pressure to adopt such policies because of the keen competition among firms for the best graduates. Moreover, such a requirement would insure that public-spirited law students could effectively evaluate the extent of public service opportunities in various firms and find employment where his or her public service goals could be nurtured.

IV. Summary

Faced with the increasing business orientation of law firms and corporate employers and the pressure on lawyers to bill or otherwise devote increasingly large numbers of hours for their employers, the Association must go beyond its general statements in support of lawyers' public service responsibilities. The spiral of rising associate salaries and rising billable goals has reached a dangerous level that could have serious negative implications for the future of professionalism. What is needed is an approach that is directed to both the individual lawyer and his or her employer and incorporates a reasonable standard that all can support and adopt.

Respectfully submitted,

William C. Hubbard
Chairperson, Young Lawyers Division

August, 1988
1. **Summary of Recommendation(s).**

Supports the obligation of all attorneys to devote at least 50 hours to pro bono and other public service activities that serve those in need or improve the law, the legal system, or the legal profession, urges all law firms and corporate employers to count at least 50 hours of time spent on such activities towards a lawyer's billable hour requirements or work product, and urges law schools to require law firms recruiting on campus to provide a written statement of their policy, if any, supporting the involvement of their attorneys in such activities.

2. **Approval by Submitting Entity.**

Passed by the YLD Executive Council on May 12, 1988.

3. **Previous submission to the House or relevant Association position.**

The Association currently has policy passed in 1975 as well as contained in the Model Rules of Professional Conduct that defines in general terms a lawyer's public service responsibility.

4. **Need for Action at This Meeting.**

NA

5. **Status of Legislation.** (If applicable.)

NA

6. **Financial Information.** (Estimate of funds required, if any.)

NA

7. **Disclosure of Interest.** (If applicable.)

NA
8. **Referrals.**

This matter is being referred to all sections and committees of the Association.

9. **Contact Person.** (Prior to meeting.)

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10. **Contact Person.** (Who will present the report to the House.)

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